

METROPOLITAN AREA PLANNING COMMISSION

MINUTES

March 11, 2004

The regular meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission was held on Thursday, March 11, 2004, at 12:30 P.M., in the Planning Department Conference Room, 10th floor, City Hall, 455 North Main, Wichita Kansas. The following members were present: Ronald Marnell, Chair; Morris K. Dunlap, Vice-Chair; James Barfield; Bud Hentzen; Bill Johnson; Elizabeth Bishop; M.S. Mitchell; Ed Sunquist; David Wells and Bob Hernandez. John W. McKay Jr. and Frank Garofalo were not present. Staff members present were: John Schlegel, Director of Planning; Dale Miller, Current Plans Supervisor; Donna Goltry, Principal Planner; Neil Strahl, Senior Planner; Bill Longnecker, Senior Planner; Scott Knebel, Senior Planner; Jamsheed Mehta, Transportation Supervisor; David Barber, Land Use Supervisor; and Rose Simmering, Recording Secretary.

1. Midtown Neighborhood Plan, presentation by Nalini Johnson.

Background: In October 2001, Midtown community representatives and the council member for District 6 expressed an interest to the department in developing a neighborhood plan that would seek to address three planning concerns: 1) Ensuring a safer relationship between pedestrians and through traffic, 2) Re-zoning of certain properties to more appropriate zoning designations, and 3) Planning for the reuse of the abandoned UP corridor. The plan boundaries were determined to be the Little Arkansas River to the west, the BNSF railroad line to the east along Santa Fe, 18th St. to the north and Murdock to the south.

It was decided that a neighborhood plan would be developed in-house and in early 2002, a work plan was developed. As part of the work plan, a Steering Committee made up of a variety of neighborhood representatives was formed. To contribute to the project, the Historic Midtown Citizens Association hired a facilitator to coordinate neighborhood meetings and community input. Special care was taken to ensure that neighborhood representatives came from the various geographic sub areas of the plan area, and that they represented a variety of stakeholder types, including property owners, neighborhood activists, Hispanic residents, low-income residents and church and business entities.

A list of neighborhood stakeholders that formed the Steering Committee is attached.

The steering committee met regularly throughout the past two years on a monthly basis at the Midtown Community Resource Center to work with the community to develop a draft neighborhood plan. Components of the plan included major goals, related objectives, a proposed land use concept plan, concept drawings for the proposed linear park and redevelopment policies.

Throughout the entire process, the community at large was invited to become a partner in developing the plan. Public meetings were held along key milestones of the plan. In addition, nine public meetings were held in October 2003, in various parts of the neighborhood to provide many opportunities for the entire community to come forward and help the steering committee finalize the draft plan. Two special Spanish-only meetings took place, along with a three-day intensive PARK-it analysis of community needs by close to 500 students at Horace Mann. A business only focus group also took place. All businesses were surveyed as to pressing needs and concerns. Press releases and newspaper notices were prepared to notify the neighborhood and the city at large of this initiative. A 15-minute radio interview in Spanish was also conducted one Sunday to ensure that the Spanish-speaking community was well versed in the purpose and goals of the project and could learn of ways to contribute to the development of the plan and the development of their community. As a result, the neighborhood plan reflects extensive input from diverse sectors of the community.

The survey of all for-profit and institutional businesses was undertaken with the help of a planning intern from the Wichita State University to gauge the level of interest in the plan, provide an opportunity to provide input into the plan and learn the issues that are specific to the business community. Three hundred and six (306) surveys were mailed, a number that represents the total number of for-profit businesses in our database for this area. The survey yielded a high response rate of 12%. Members of the steering committee charged with helping the intern design the survey instrument and administer the survey walked the neighborhood and visited businesses to gather additional face-to-face responses. The results of the survey are included in the MAPC packet. Additionally, a focus group that targeted businesses was organized to make sure that businesses had an opportunity to provide specific information about business interests that might be adversely affected by any goal or objective in the plan. The plan document was then modified as needed to reflect specific concerns.

Throughout this process, the neighborhood plan produced semi-monthly re-drafts as the steering committee continued to gather new information about community concerns. All significant changes were reflected on the draft documents that were made available on the wichita.gov website. The draft that you have in front of you is also currently on the website in its entirety and the website url has been publicized in newspaper articles, planning newsletters and emails.

Through the organizing efforts of the Interfaith Ministry, periodic special briefing meetings with the Midtown clergy were set-up throughout the process. The different churches were also heavily involved in organizing and hosting the nine final community meetings in the neighborhood to ensure the entire neighborhood was covered. Copies of the plan, in English, as well as a Spanish summary of the plan, with a complete version in Spanish of the goals and objectives, were made available at the meeting venues for two weeks prior to each of the meetings. Thirteen (13) Hispanic parents were given a special presentation at Irving Park School, entirely in Spanish. Special attention was given to making sure that all their questions were answered during the presentation, and that subsequently; all of their concerns were addressed in the plan. An additional 98 community residents and stakeholders signed-in during the balance of the meetings and represented a cross-section of interests, showing strong support for the plan after initial questions were clarified.

Based on input from neighborhood residents, businesses entities and organizations - including the Hispanic Chamber of Commerce, and the Wichita Chamber of Commerce Hispanic Business Leadership Council, area non-profits such as Via Christi Hospital, and

area schools, nine goals and related objectives were developed.

The Steering Committee then held meetings with City/County staff and the Advanced Plans Committee of the Metropolitan Area Planning Commission on two separate occasions, to review progress on the Plan and receive comment and feedback. The Advanced Plans Committee has given very clear direction and has been supportive of the community and staff efforts to provide a plan that minimally affects business interests while providing the basis for community improvement for area residents.

The Midtown Plan Steering Committee feels that they have developed a draft plan for the improvement and stabilization of the Midtown neighborhood that has broad-based neighborhood support, support from the active neighborhood associations, and support from City and County officials. While it was challenging to make sure that all segments of the community could keep up with the planning process and learn the contents of the plan, the steering committee feels that there has been overwhelming support for this plan throughout the planning process. Additionally, care was taken to reach out to businesses and institutions, such as the Public Schools, that may be affected by policies or objectives in the plan, to make sure that these represent a win-win situation for the neighborhood as well as for these specific interests.

In addition, presentations of the Plan were made to DAB VI on August 20, 2003 and to the Board of Park Commissioners on December 8, 2003. The Plan received full endorsement from both of these Boards.

Members of the Midtown Plan Steering Committee are available to answer questions related to the plan.

Summary of the Midtown Neighborhood Plan:

The purpose of this neighborhood plan is to develop a strategic plan for the Historic Midtown Neighborhood that addresses key issues and concerns regarding the conservation and revitalization of the area. The Planning Area that has been identified is bounded by Murdock to the south, 18th Street N. to the north, the Union Pacific (UP) BNSF Railway to the east and the Little Arkansas River to the west.

This issue-oriented planning document includes preliminary strategies to address the objectives outlined therein. These strategies will be developed further during the Implementation phase of the plan upon adoption of the plan document. Components of the plan include a land use concept that generally reflects current and desirable land uses, the redevelopment of the UP Railroad Corridor, redevelopment guidelines for developers, and a linear park with a bike path and special landscaping for beautification, safety and drainage management.

No zoning changes or design guidelines are being proposed as part of this plan document, and no funds are currently committed for the implementation of the land use concept. The redevelopment of the Railroad corridor into a linear park, or greenway, has been programmed in the Capital Improvement Plan for 2004-2013, and the Kansas Department of Transportation (KDOT) approved in 2003 Federal Transportation Enhancement funds for this project. Moreover, the Request for Proposals for this project has been issued and construction is slated to begin later this year. Guidelines for the redevelopment of the neighborhood are intended only to provide guidance to future activities, and will apply only when development projects are proposed.

The Mission of the plan is:

To enhance the appearance, safety and quality of life in Midtown to make it an attractive and desirable place to live, work and play for the benefit of all residents, businesses, visitors and property owners.

The following are nine goals to achieve this mission:

1. Build a sense of community and responsibility.
2. Maintain and improve the character of the neighborhood.
3. Encourage attractive, affordable and well-maintained housing.
4. Preserve and Enhance Historically-Designated Homes and Districts
5. Encourage a safe and peaceful neighborhood.
6. Improve park and recreational space experiences and encourage the utilization of parks.
7. Eliminate storm water drainage problems.
8. Eliminate speeding traffic, enhance pedestrian and vehicular safety and circulation, and encourage walking.
9. Add and maintain neighborhood shops and businesses.

Tentative cost estimates have been developed by a Technical Review Committee made up of City Department representatives. These projected costs will be further developed and fine-tuned as part of the Implementation phase of the plan and do not constitute funding commitments by any department providing them.

In addition, the plan includes three redevelopment policy statements to provide guidance prior to redeveloping properties for school expansion projects, and temporary housing uses. A third policy statement addresses properties located along the Santa Fe Buffer.

The plan recognizes the economic strength and viability of the residential base is derived in part from the existence of large local employers and the plan encourages large employers and small businesses that serve the community's needs to remain in Midtown as long as they so desire.

The plan also provides for a land use concept to form the basis for continuing to work on a rezoning plan subsequent to the adoption of the plan, as part of its implementation phase. Work on the rezoning plan is a separate and distinct initiative; the adoption of this plan does not guarantee or mandate that any specific rezoning plan be adopted, and no rezoning plan has been developed or endorsed at this time.

Recommended Action: That the MAPC indicate support for the draft Midtown Neighborhood Plan dated March 2004, and schedule a public hearing on April 22, 2004 at 12:30 p.m. pursuant to State Statute to receive formal public comment and consider adoption of the Plan as an amendment to the Wichita-Sedgwick County Comprehensive Plan.

Attachments :

1. Draft of Midtown Neighborhood Plan, March 2004
2. Results of a business survey, Historic Midtown Subcommittee Survey
Midtown Plan Steering Committee Membership Roster

JANET MILLER, 1102 Jefferson, Wichita, KS 67203. I am a member of the Steering Committee working on the development of the Midtown Neighborhood Plan. I am a 10 plus year resident in Midtown. Elizabeth Bishop was hired as facilitator for the first half of the project and has been a big help getting our plan started. We have tried to get many people involved in this process. We had nine public meetings and two of those meetings were in Spanish only. We published notice of our meetings in newsletters, and did radio interviews, also in Spanish, and put the information on the city's website about the development of the Midtown Neighborhood Plan. We have tried to get the neighborhood and the business community together in the development of this plan.

When you approve this plan you are not actually approving funding that goes with it. This is a concept plan that we have worked hard to get consensus upon and once we have the approval on the concept then we will proceed on a project by project basis with subsequent approvals that will be needed from various levels for the different programs and projects in here. Those that will need funding we will have to find funding for either through grant funding, private funding but all of that will be part of a separate process. The approval of this plan does not change any zoning. Any zoning plan will be another process in itself. The neighborhood plan will take about 20 years to be implemented.

The Mission of the plan is: To enhance the appearance, safety and quality of life in Midtown to make it an attractive and desirable place to live, work and play for the benefit of all residents, businesses, visitors and property owners. The costs are modest concerning what could have come out of a two year planning process and dreaming for a particular neighborhood. Many of the costs have already been funded in existing C.I.P. projects or through TE funds that have been awarded.

NALINI JOHNSON, Planning staff. Not all of the objectives have a cost attached to them. The reason is that these particular objectives require more community building, networking, and communication within the neighborhood to accomplish, rather than actual hard cost projects. The total projected plan cost is a little more than \$6 million and that includes C.I.P. and T.I.P. projects that have been funded already. Out of the unfunded share or the cost that has no funding allocation to them the sum is \$1,271,200.00 and some of that money will come from CBDG funds or from local private donors or foundation funding to local organizations.

BISHOP I am declaring a conflict of interest on this item.

MARNELL We need to set a public hearing date and the suggested date April 22nd.

MOTION: To set the public hearing date for April 22, 2004.

SUNQUIST moved, **HERNANDEZ** seconded the motion, and it carried (7-0-1) **BISHOP** abstains.

2. Air-Quality and Transportation, presentation by Jamsheed Mehta and Health Department.

JACK BROWN, Director of Environmental Health Department presented a slide show that provides an understanding of ground-level Ozone; what causes it; how is it measured; how bad is it, and what are we doing about it, and Jamsheed Mehta, MAPD will present information related to air quality issues to the MAPC on March 11, 2004.

Although the Wichita region is in attainment status for all air pollutants monitored by the EPA, one pollutant - Ozone, is being watched very closely for being just under the federal threshold for unsafe levels. In recognizing the risk of being designated by the state and the EPA as "non-attainment" for Ozone, several organizations (local, private, state and federal) are voluntarily working together to identify the causes and effects of high ozone concentrations on the community, and what we can do about it

In addition to the health risks, there are financial impacts associated with the region being in "non-attainment." The operating cost of certain businesses involved in ozone-generating processes can go up, and new businesses may want to locate in "attainment" areas to avoid the higher cost of monitoring and containment.

JAMSHEED MEHTA, Chief Planner MAPD presented an overview of link between the Clean Air Act and the Transportation Equity Act, with emphasis on how motor-vehicle emissions contribute to high levels of ground-level ozone, and how the MAPC in its capacity as the MPO will also be affected by changes within the transportation planning process if the Wichita region falls into "non-attainment."

JACK BROWN, Director of Environmental Health Department provided an overview of Air Quality Improvement Task Force Interim Report – December 2003. Local Air Quality monitoring as mandated by the Clean Air Act since 1973 for metropolitan areas. The local air monitoring program operates an EPA and KDHE approved network of air samplers with instruments sited across the city, county and one in Sumner County.

MITCHELL You suggested that two of the things that the city could do would be to increase the efficiency by buying hybrid vehicles do you have any ideal of the cost and the percentage of reduction that expenditure would create?

JACK BROWN It has been explored for a number of years and expense has always been the problem. Alternative fuels have been tried in the past and those programs have not worked very well. That was just a recommendation of the task force.

MITCHELL Why would you have a recommendation if those systems or those programs have not worked in the past?

BROWN Technology has been changing and the hybrid vehicles are much more efficient now and the price has also come down. I think it said consider, it did not say implement.

MITCHELL The same question about city fueled storage tanks.

BROWN Right, that was proposed by Public Works and was in their budget but there are a number of city fuel tanks but I don't know exactly what the benefit would be but the cost is fairly minimal.

MITCHELL To replace tanks?

BROWN Just to place the emission type controls on them to prevent vapors from going back into the atmosphere during fueling and storage.

BISHOP You mentioned the option to use voluntary testing which had been done, in the past was included in the budget and got turned down as a budgetary item?

BROWN No, what got turned down was the fuel tank item that Commissioner Mitchell just mentioned in terms of the emissions. The old program was funded in part by the Lung Association and the City of Wichita and if we explored that again we would probably look for a private partner to see if we could do something like that.

BISHOP Do you see a big budgetary hit or do you think that by partnering with somebody it would not be as costly?

BROWN I think our staff has looked at some of the private organization and there is some interest. The equipment is \$5-6,000 dollars that is not too much of an investment. But getting people available for the testing that is where it gets difficult.

SUNQUIST Dry cleaners were mentioned, I thought they were to change to different type of chemicals.

BROWN There have been several changes but in terms of the air emissions part of it there is continued surveillance of that particular kind of operation as well as machine shops. Those small sources that before had been unregulated.

MARNELL You mentioned chain saws which are two cycle engines, are they larger polluters than say 4 cycle engines?

MEHTA I have no idea.

MARNELL Is the problem with small engines having to do with lawn care is it just the fundamental device itself or is it misalignment or adjustment or out of tune?

MEHTA I want to say that it is probably both. The area sources that include these small devices or off road engines are probably the most unregulated type of engines you have the point sources like chimney stacks, the large corporations, that are very regulated and then you have the automobiles that are also regulated to an extent, but hand-held engines are significant contributors, and the least regulated.

DUNLAP Several years ago we were warned that the air quality downtown Wichita was in danger and yet you say in CMAQ that we are not out of compliance. Did that go away or what happened?

MEHTA That was carbon monoxide.

BROWN When we were in non-attainment for carbon monoxide a number of years ago, we had to do a lot of local changes, traffic patterns, downtown stop lights, we got back into compliance and so we went back into attainment status.

DOWNING Do we know in terms of total volume whether off-road or on-road engines are a bigger problem?

MEHTA Not enough data. There was a study about a year ago where we got a report back on the inventory of ozone producing pollutants and we already had a feel for the point sources the large industries and this was an approximation of on-road mobile sources and area sources.

BISHOP What about Intelligent Transportation System would that be a balancing tool?

MEHTA Under CMAQ street intersection improvements that demonstrate congestion relief and air quality benefits. You are not really adding capacity by adding more lanes but you are making the existing traffic and future traffic move much more smoothly using technology.

BISHOP But only if we go into non-attainment?

MEHTA No. If you go into non-attainment there is a sense of urgency then.

MITCHELL This statement in the report reads, "As the urban area has continued to expand, the increase in citizen, business, and industrial activities has resulted in an increase in outdoor air pollution during the summer months." It seems to run contrary to the attachment that Jack showed that indicated that air quality was either leveling off or getting slightly better.

MEHTA What Jack is showing is the exact readings as they are, and we are not sure exactly why, there are various theories and one of them could be that we had a little less activity because of less employment, so every one is not rushing to Boeing and the other employers at the same time during the shift change. The recent two years of declining ozone levels are a ripple in the overall upward trend, just like the stockmarket. We are almost at the threshold of being in non-attainment right now, and what has prevented this designation is merely the mathematical rounding effect downward.

3. **Approval of February 19, 2004 MAPC meeting minutes.**

MOTION: That the minutes for February 19, 2004 be approved.

HERNANDEZ moved, MARNELL seconded the motion, and it carried (10-0-1) DOWNING abstains.

3. **Approval of February 19, 2004 MAPC meeting minutes.**

MOTION: That the minutes for February 19, 2004 be approved.

HERNANDEZ moved, MARNELL seconded the motion, and it carried (10-0-1) DOWNING abstains.

❖ **SUBDIVISION ITEMS**

Items 4-1 to 4-7 may be taken in one motion unless there are questions or comments.

4. **Consideration of Subdivision Committee recommendations**

4-1. **SUB2004-10 - One-Step Final Plat – WOODBOROUGH ADDITION, located on the east side of Woodlawn Boulevard, south of 21st Street North.**

NOTE: The site has been approved for a zone change (ZON 2002-57) from SF-5, Single-Family Residential to LC, Limited Commercial. The Woodborough Commercial Community Unit Plan (CUP 2002-39, DP-263) was also approved for this site.

STAFF COMMENTS:

- A. The applicant shall guarantee the extension of City water and sewer to serve the lots being platted. **A 10-ft utility easement and a 10-ft contingent utility easement is needed along the north and south property line along with a proposed sewer and water layout. The 10-ft north-south utility easement for the sewer line needs to be increased to 20 feet.**
- B. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- C. **A drainage plan is needed. On-site detention will be needed as part of the site development plan. A cross-lot drainage agreement is needed.**
- D. **County Surveying** advises that the utility easement by separate instrument and the KG&E easement need sufficient ties to locate them definitely with respect to the subdivision.
- E. In accordance with the CUP approval, the following transportation improvements are required:
 - 1. A decel lane and an improvement to create a fifth turn lane on Woodlawn is needed, with a raised center median on Woodlawn across from the right in/right out opening, the applicant assuming their share of all improvements on Woodlawn.
 - 2. The applicant shall conduct a limited traffic study. Based on the findings of that study, the applicant shall propose a sequenced plan for the required improvements on Woodlawn.
 - 3. If the 17th Street intersection is determined to require signalization, the developer shall guarantee the signalization.
- F. Access controls have been platted in accordance with the CUP approval. The plat proposes two access openings along Woodlawn. Distances should be shown for all segments of access control. **The north opening is limited to rights-in/out movements which should be denoted on the face of the plat.**
- G. In accordance with the CUP approval, a cross-lot circulation agreement is needed to assure internal vehicular movement between the lots.
- H. A note shall be placed on the final plat, indicating that this Addition is subject to the conditions of Woodborough Commercial CUP (CUP 2002-39, DP-263).

- I. **City Water and Sewer Department** needs to comment on the wall easement located along the north and south property line which is within a 10-ft utility easement. The Subdivision Regulations require that wall easements are platted separately from utility easements or require the execution of a Hold Harmless Agreement. **Westar Energy has requested the 10-ft utility easement be located outside of the wall easement along the north and south property lines. City Water and Sewer Department has requested a Hold Harmless Agreement with a removable section of wall to access sewer along the north property line. In the event a non-masonry wall is constructed a Hold Harmless Agreement will not be needed; however a CUP adjustment will need to be approved by MAPD.**
- J. The wall easement shall be referenced in the platlor's text.
- K. A CUP Certificate shall be submitted to MAPD prior to City Council consideration, identifying the approved CUP and its special conditions for development on this property.
- L. The City Council certification needs to be revised to reference Carlos Mayans, Mayor.
- M. The signature line for the City Clerk needs to be revised to reference "Karen Schofield".
- N. The MAPC signature block needs to reference "John L. Schlegel, Secretary".
- O. The MAPC signature block needs to reference "Ronald L. Marnell, Chair".
- P. The year "2004" needs to replace "2003" within the signature blocks.
- Q. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.
- R. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- S. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- T. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- U. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- V. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- W. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- X. Perimeter closure computations shall be submitted with the final plat tracing.
- Y. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Z. The representatives from the **utility companies** should be prepared to comment on the need for any additional utility easements to be platted on this property. **Westar Energy has requested an additional 10-ft of utility easement located outside of the wall easement.**
- AA. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

BISHOP moved, **WELLS** seconded the motion, and it carried (11-0).

4-2. SUB2004-05 - Final Plat – TURKEY CREEK ADDITION, located on the north side of Pawnee and on the west side of 119th Street West.

NOTE: This unplatted site is located in the County adjoining Wichita's city limits and annexation is required. The site is located

within the 100-year floodplain.

STAFF COMMENTS:

- A. Prior to this plat being scheduled for City Council review, annexation of the property will need to be completed. Upon annexation, the property will be zoned SF-5, Single-Family Residential and allow for the lot sizes being platted.
- B. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted. **City Engineering requests a sewer layout and advises that an off-site sewer easement may be needed. The drainage plan is approved. A guarantee is required.**
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **County Engineering requests a drainage plan for review. Concerns exist regarding long range drainage on Pawnee between Maize and 135th W. City Engineering has approved the drainage plan.**
- E. **Traffic Engineering requests a guarantee for a left-turn lane along both entrances on 119th St. and a contingent left-turn lane along Pawnee.**
- F. The applicant shall guarantee the closure of any driveway openings located in areas of complete access control or that exceed the number of allowed openings.
- G. The Applicant shall guarantee the paving of the proposed streets. The guarantee shall also provide for sidewalks on at least one side of all through, non cul-de-sac streets.
- H. In accordance with the KS Wetland Mapping Conventions under the Memorandum of Understanding between the USDA-NRCS; USEPA; USACE; and USF&WS, this site has been identified as one with potential wetland hydrology. The US Army Corps of Engineers (USACE) should be contacted (316-322-8247) to have a wetland determination completed."
- I. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- J. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- K. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- L. **GIS has requested a new name for Wheatland.**
- M. The Park and Pathways Plan indicates a greenway along the west line of the plat. A public access easement (30-ft minimum width) should be platted within the Reserve. **The Subdivision Committee approved both the preliminary and final plats without this access easement.**
- N. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- O. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- P. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- Q. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- R. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- S. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner

should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.

- T. Perimeter closure computations shall be submitted with the final plat tracing.
- U. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- V. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- W. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

NEIL STRAHL Planning staff, The primary issues discussed and reviewed by the Subdivision Committee involved drainage, traffic improvements and a bike path. The drainage plan has been approved. Traffic improvements - petitions for a left turn lane along both entrances along 119th and a future left turn lane along Pawnee - were required by Traffic Engineering. The Land Use Division of MAPD requested a public access easement along the western property line which is encompassed in a reserve that addresses the greenway that is indicated on our Parks and Pathways Plan; however the Subdivision Committee approved the preliminary plat without this access easement due to topographic constraints. Staff did not pursue that request at the final plat review. The plat was approved without that public access easement.

MARNELL Is staff here requesting a change on this?

STRAHL No.

BISHOP Are there any access easements to the common area along Wheatland?

STRAHL To connect to the west? I don't know. We typically ask for those, and it is not referenced in that staff comments which would lead me to believe that they are there, but perhaps the applicant can clarify that.

PHIL MEYER, Baughman Company, 315 Ellis, Wichita, KS 67211, I probably would prefer to speak after I hear the opposition to the case, but we are in agreement with the Subdivision Committee's approval. There are two easements, but I don't remember if there is an easement that allows access through it, to but there is a public street right-of-way that allows access to that reserve.

MITCHELL The drainage plan that was approved by the county, does that include an extension of the federal flood insurance study for this fork of Calf Skin Creek?

MEYER Our office is in the process of doing that study and it is not tied to this plat. We are doing a Turkey Creek Second Addition which is going to be to the immediate west of this. With this plat all lots stay completely out of the presently mapped floodway zone so the county was comfortable with deferring that study being completed with the Second Addition. We are about 70% done with that study but it is moved as a requirement to the plat to the west.

MITCHELL What if that study you are working on shows that some of these lots would be in the floodway?

MEYER We are far enough along in the study that won't be a problem.

MITCHELL The county agrees with you on that?

MEYER Yes.

DEBRA FOSTER, 400 W. Central #105, Wichita, KS 67203 I am the President of the Greenway Alliance which is a non-profit organization for Park and Pathways. When this project was presented to Subdivision Committee, the agent argued that a pathway easement, which was called for in the city -approved Park and Pathways Plan, should be eliminated from the plat. He maintained that a pathway adjacent to a residential subdivision was unacceptable because paths can't be built in a flood prone area, and a public path would reduce adjacent property values.

Paths are considered one of the best ways to utilize flood plains. Properly designed paths do not interfere anyway with essential flood control functions. We have a number of paths that are in floodplains that work very well. This one on McClean works fine. Impact on property values will not be affected. (Handout on The Impact of Parks and Open Space on Real Estate Values and Property Tax Base provided and read to the Planning Commission.) I am opposed to this subdivision.

LARRY ROSS, 346 N. Bluff, Wichita, KS I am speaking in opposition to this development. Sense of place and sense of community - all good planning must begin with a survey of actual resources; the landscape, the people, and the workday activities in the community. This proposed development is misnamed. There is no Turkey Creek in Sedgwick County. The Turkey Creek name is a marketing gimmick. Back in 1996 there was apartments called Cherry Creek. These apartments were actually built astride the east fork of Jesse Chisholm Creek. There is no Cherry Creek in Sedgwick County. The idea of not allowing a request for a 30-foot easement in a 96.5 acre plat seems selfish of the developer to contest. Obesity is a problem in this country and the opportunity to have a path to aid in good health should be provided in this development. Early in this meeting we just heard about the pollution in this community. I would ask that the approval today include the 30-foot easement for the bicycle pedestrian path.

MEYER We did request at the original preliminary plat that the Subdivision Committee waive the requirement for the bike path easement. This developer did not want the bike path easement going through that subdivision. We asked for that to be waived for several reasons. That reserve is a private reserve, and is to be maintained by the Homeowners Association, and we have detention requirements with that reserve that we have to do with the City of Wichita. We did not want that bike path going through there with

the general public being allowed to ride through there, and us not have the right to police who rides through there. There is no way to define that easement or control that easement and it is unfair to the Homeowners Association. I did not say that a bike path could not be built in the floodway. We think it would be hard to market the property with the public easement on there. This developer feels from past experience many homebuyers won't want to buy with a public easement going through there.

WELLS What is north of this addition?

MEYER There are abandoned railroad tracks, and on the north side of the tracks is commercial zoning.

DUNLAP Do you know the bike path which Ms. Foster showed? Is that on private property with an easement or is that on public property or was it dedicated?

MEYER I don't know.

DUNLAP Is there a connection for a bike path north or south of what is requested here?

STRAHL Yes.

DUNLAP I heard north of this is an abandoned railroad; is that going to be Rails to Trails?

STRAHL I don't know the answer to that.

BISHOP I was the dissenting vote at Subdivision, and believe that the "Park and Pathways Plan" is a good one, and now is the time to maintain that possibility for the future. We are creating basically a pedestrian hostile environment out there. The possibility to go down through open space with trees and greenery is the way to go. I firmly believe that it would be a valued amenity for those homes.

WELLS What is south of this? I am trying to figure out who would use the bike path?

MEYER This would be the first easement, to my understanding, for the particular path that is on the map. There is no bike path existing today. It is undeveloped to the south, and there are sewer problems as soon as the city does a southwest sewer plant.

MOTION: To approve the plat as presented by staff and approved at Subdivision Committee.

HENTZEN moved, **BARFIELD** seconded the motion, and it carried (9-2) **HERNANDEZ** and **BISHOP** opposed.

4-3. SUB2004-08 - Final Plat – REED'S COVE THIRD ADDITION, located east of 127th Street East on the south side of 21st Street North.

NOTE: The eastern portion of this unplatted site is located in the County adjoining Wichita's city limits and annexation is required. The eastern portion of the site is currently zoned SF-20, Single-Family residential and will be converted to SF-5, Single-Family Residential upon annexation.

STAFF COMMENTS:

- A. Prior to this plat being scheduled for City Council review, annexation of the eastern portion of the property will need to be completed. Upon annexation, the property will be zoned SF-5, Single-Family Residential.
- B. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted. **City Water and Sewer Department and OCI have requested an agreement which limits sewer connections based upon capacity.**
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. **City Engineering** needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved. A guarantee is needed.**
- E. **Traffic Engineering** has requested a petition for a left-turn lane.
- F. The applicant shall guarantee the paving of the private street to the urban street pavement standard. As private improvements, such guarantee shall not be provided through the use of a petition.
- G. **City Fire Department** has requested a 35-ft roadway be provided at the street entrance. In the event a median is used, a 20-ft roadway for ingress and 29-ft roadway for egress shall be provided. If a gated development is proposed, a siren-activation gate is needed.
- H. The paving guarantee shall also provide for sidewalks on one side of the loop street.
- I. A covenant shall be submitted regarding the private street, which sets forth ownership and maintenance responsibilities. The plat's text shall reference the platting of the reserve for private street purposes and shall state which specific lots are to accessed by the reserve.

- J. The reserves being platted as private streets shall be shown appropriate street names.
- K. In accordance with the KS Wetland Mapping Conventions under the Memorandum of Understanding between the USDA - NRCS; USEPA; USACE; and USF&WS, this site has been identified as one with potential wetland hydrology. The US Army Corps of Engineers (USACE) should be contacted (316-322-8247) to have a wetland determination completed."
- L. Provisions shall be made for ownership and maintenance of the proposed reserves. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- M. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- N. The drainage reserves "20" through "29" need to be referenced in the plat's text.
- O. GIS needs to comment on the plat's street names. **The entrance should be Clear Creek. The loop street should be Crooked Pine and Clear Creek.**
- P. A bold solid line is needed between the 21st St. North right-of-way line and Reserve C.
- Q. County Surveying advises that the benchmark needs a better description.
- R. The Applicant needs to verify the location of the pipeline easement indicated in the platting binder. The easement shall be shown if encumbering this plat, or verification provided that it is off-site or has been released.
- S. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- T. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- U. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- V. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- W. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- X. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- Y. Perimeter closure computations shall be submitted with the final plat tracing.
- Z. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- AA. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. **Westar Energy and SBC have requested additional easements.**
- BB. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

BISHOP moved, **WELLS** seconded the motion, and it carried (11-0).

4-4. SUB2004-18 - Final Portion of Overall Preliminary Plat – SOUTH HARBOR ADDITION, located north of 42nd Street North and west of Seneca.

NOTE: This is the final plat of a portion of the overall preliminary plat of Harbor Isle 3rd Addition, which was approved in July 1999. This second phase – which covers the south portion of the overall preliminary plat – is consistent with the preliminary plat in regards to street layout.

The southeast portion of this site is located in the County adjoining Wichita City Limits and annexation is required. This portion of the site is currently zoned SF-20, Single-Family residential and will be converted to SF-5, Single-Family Residential upon annexation. The site is located within the 100-year floodplain.

STAFF COMMENTS:

- A. Prior to this plat being scheduled for City Council review, annexation of the southeastern portion of the property will need to be completed. Upon annexation, the entire property will be zoned SF-5, Single-Family Residential and allow for the lot sizes being platted.
- B. The applicant shall guarantee the extension of sanitary sewer and City water to serve the lots being platted. A guarantee is needed for the relocation of the force main."
- C. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- D. City Engineering needs to comment on the status of the applicant's drainage plan. **The drainage plan is approved.**
- E. The Applicant shall guarantee the paving of the proposed streets. The guarantee shall also provide for sidewalks on at least one side of Marina Bay and Driftwood.
- F. County Surveying advises the need for a county engineer permit for excavation within 1000' of levee.
- G. County Surveying advises that prior easements need to be referenced to lot lines or corners, and identified.
- H. The paving guarantee shall include the installation of a temporary turnaround at the terminus of Marina Bay at the plat's south line. If off-site, the temporary turnaround shall be established by separate instrument. The plat's text should indicate that the vacation of the temporary turnaround area will be effective upon the extension of the street southward.
- I. Provisions shall be made for ownership and maintenance of the proposed reserves for this plat and for the subsequent phase of development. The applicant shall either form a lot owners' association prior to recording the plat or shall submit a covenant stating when the association will be formed, when the reserves will be deeded to the association and who is to own and maintain the reserves prior to the association taking over those responsibilities.
- J. For those reserves being platted for drainage purposes, the required covenant which provides for ownership and maintenance of the reserves shall grant, to the City, the authority to maintain the drainage reserves in the event the owner(s) fail to do so. The covenant shall provide for the cost of such maintenance to be charged back to the owner(s) by the governing body.
- K. The Subdivision Regulations limit urban cul-de-sacs to 800 feet in length unless an emergency access easement is proposed. The overall preliminary plat was approved with an emergency access easement at the terminus of Captiva Ct. **The applicant shall plat an emergency access easement extending from Captiva Ct to Lots 16 and 17, Block 3. City Fire Department has required a hard paved surface. This easement shall be denoted on the face of the plat and be referenced in the plat's text.**
- L. City Fire Department has required that this plat be developed subsequent to or in concurrence with Harbor Isle 3rd Addition to the north in order to obtain an additional point of access. Otherwise, an off-site temporary access shall be extended to Seneca consisting of a 20-ft wide hard paved surface. A site map shall be provided to City Fire Department denoting its location.
- M. The applicant shall submit a covenant which provides for four (4) off-street parking spaces per dwelling unit on each lot which abuts a 58-foot street. The covenant shall inventory the affected lots by lot and block number and shall state that the covenant runs with the land and is binding on future owners and assigns.
- N. GIS needs to comment on the plat's street names. **Marina Bay should be Blue Harbor. Captiva Cir is needed for the cul-de-sac at the southwest corner of the property.**
- O. Blocks 1, 2 and 3 should be included within one block. Reserve B should be included within another block.
- P. The applicant shall submit a copy of the instrument which establishes the pipeline easements on the property, which verifies that the easements shown are sufficient and that utilities may be located adjacent to and within the easements. Any relocation, lowering or encasement of the pipeline, required by this development, will not be at the expense of the City.
- Q. The Applicant is reminded that a platting binder is required with the final plat. Approval of this plat will be subject to submittal of this binder and any relevant conditions found by such a review.

- R. The platlor's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- S. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- T. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- U. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- V. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- W. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- X. Perimeter closure computations shall be submitted with the final plat tracing.
- Y. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Z. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property. **Westar Energy and SBC have requested additional easements. The existing 50-ft KG&E easement needs to be denoted on the plat.**
- AA. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov). This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

HERNANDEZ moved, **MARNELL** seconded the motion, and it carried (11-0).

4-5. SUB2004-15 - One-Step Final Plat – MUMMA HOMESTEAD ADDITION, located on the west side of 167th Street West and north of 45th Street North.

NOTE: This site is located in the County in an area designated as "rural" by the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan. It is located in the Colwich Area of Influence. The site is located within the 100-year floodplain.

STAFF COMMENTS:

- A. Since neither sanitary sewer nor municipal water is available to serve this property, the applicant shall contact **County Code Enforcement** to find out what tests may be necessary and what standards are to be met for approval of on-site sewerage and water wells. A memorandum shall be obtained specifying approval.
- B. **City Water and Sewer Department** requests a petition for future extension of sanitary sewer and City water services. **In lieu of a petition a No Protest Agreement is requested.**
- C. This site is located over the Equus Beds aquifer. The Equus Beds Management District needs to comment on the use of on-site sewage facilities for this property.
- D. If improvements are guaranteed by petition, a notarized certificate listing the petitions shall be submitted to the Planning Department for recording.
- E. **County Engineering advises that the floodway line needs to be revised to the east to elevation of 1368'. A minimum pad elevation of 1370' is recommended.**
- F. **County Engineering** recommends a one-lot plat and waiver of lot width-to-depth ratio. **The Subdivision Committee has approved a one-lot plat.**
- H. The plat denotes one opening along 167th St. West along the south property line in alignment with a contingent dedication of

street right-of-way. **The Subdivision Committee has approved the access controls.**

- I. A turnaround is needed for the contingent street dedication.
- J. Per Sedgwick County Fire Department, access drives to any structure in excess of 150 feet from the edge of the roadway will need to be installed prior to final framing inspection, preferably before the start of any above grade construction work. Such drive to be installed according to fire department specifications: (1) Twenty feet of drivable surface is provided the entire length of the access drive designed to withstand the weight of fire apparatus in inclement weather with provisions for turning fire apparatus around. (2) To meet fire department specifications, the surface will need to be an all-weather material consisting of rock or gravel, ground asphalt, laid asphalt or concrete. It is to be applied a minimum of 4 inches in depth consistently over the entire width and length of the driving surface (gravel is prone to problems during extended periods of rain or snow and should be used with caution unless a good solid compacted base has been installed).
- K. A "block" should be designated on the face of the plat and referenced in the owner's certificate.
- L. In accordance with the KS Wetland Mapping Conventions under the Memorandum of Understanding between the USDA-NRCS; USEPA; USACE; and USF&WS, this site has been identified as one with potential wetland hydrology. The US Army Corps of Engineers (USACE) should be contacted (316-322-8247) to have a wetland determination completed."
- M. The MAPC signature block needs to reference "Ronald L. Marnell, Chair".
- N. The signature line for the County Commissioners Chairman needs to reference "Thomas G. Winters".
- O. The Applicant is advised that if platted, the building setback along 167th St. West may be reduced to 30 feet.
- P. Approval of this plat will require a waiver of the lot depth to width ratio of the Subdivision Regulations for both lots. The Subdivision Regulations state that the maximum depth of all residential lots shall not exceed 2.5 times the width. **This modification has been approved.**
- Q. The plat's text shall include language that a drainage plan has been developed for the plat and that all drainage easements, rights-of-way, or reserves shall remain at established grades or as modified with the approval of the applicable City or County Engineer, and unobstructed to allow for the conveyance of stormwater.
- R. The applicant shall install or guarantee the installation of all utilities and facilities which are applicable and described in Article 8 of the MAPC Subdivision Regulations. (Water service and fire hydrants required by Article 8 for fire protection shall be as per the direction and approval of the Chief of the Fire Department.)
- S. The applicant's engineer is advised that the Register of Deeds is requiring the name(s) of the notary public, who acknowledges the signatures on this plat, to be printed beneath the notary's signature.
- T. To receive mail delivery without delay, and to avoid unnecessary expense, the applicant is advised of the necessity to meet with the U.S. Postal Service Growth Management Coordinator (Phone 316-946-4556) prior to development of the plat so that the type of delivery, and the tentative mailbox locations can be determined.
- U. The applicant is advised that various State and Federal requirements (specifically but not limited to the Army Corps of Engineers, Kanopolis Project Office, Rt. 1, Box 317, Valley Center, KS 67147) for the control of soil and wind erosion and the protection of wetlands may impact how this site can be developed. It is the applicant's responsibility to contact all appropriate agencies to determine any such requirements.
- V. The owner of the subdivision should note that any construction that results in earthwork activities that will disturb one (1) acre or more of ground cover requires a Federal/State NPDES Storm Water Discharge Permit from the Kansas Department of Health and Environment in Topeka. Also, for projects located within the City of Wichita, erosion and sediment control devices must be used on ALL projects. For projects outside of the City of Wichita, but within the Wichita Metropolitan area, the owner should contact the appropriate governmental jurisdiction concerning erosion and sediment control device requirements.
- W. Perimeter closure computations shall be submitted with the final plat tracing.
- X. Recording of the plat within thirty (30) days after approval by the City Council and/or County Commission.
- Y. The representatives from the utility companies should be prepared to comment on the need for any additional utility easements to be platted on this property.
- Z. The applicant is reminded that a compact disc (CD) shall be submitted with the final plat tracing to the Planning Department detailing this plat in digital format in AutoCAD, or sent via e-mail to MAPD (cholloway@wichita.gov) . This will be used by the City and County GIS Department.

MOTION: To approve, subject to staff comments and citing the findings in their report.

BISHOP moved, **WELLS** seconded the motion, and it carried (11-0).

4-6. **DED2004-01 – Dedication of Access Control, for property located at the northeast corner of Maple and 135th Street West.**

OWNER/APPLICANT: Bencor/Maple, L.P., C/O Benjamin T. Horton, Manager, 92 S. Cascade Avenue, Colorado Springs, CO 80903

AGENT/SURVEYOR: Baughman Company, P.A., 315 Ellis, Wichita, KS 67211

LEGAL DESCRIPTION: Lot 1 and Lot 2 (except the east 200 feet), Block 5, Maple Dunes Addition, Wichita, Sedgwick County, Kansas.

PURPOSE OF DEDICATION: This Dedication is a requirement of Zoning Case No. ZON 2003-54 for complete access control over and across the south 240 feet of the west line, and from or to Maple Street over and across the west 250 feet of the south line of Lots 1 and 2.

STAFF RECOMMENDATION: Accept the Dedication.

MOTION: To approve, subject to staff comments and citing the findings in their report.

BISHOP moved, **WELLS** seconded the motion, and it carried (11-0).

4-7. **DED2004-02 – Dedication of Street Right-of-Way, for property located on the west side of Maize, south of Pawnee.**

OWNER/APPLICANT: Jay Russell, Maize Road, LLC., 12602 W. 13th Street, Wichita, KS 67235

AGENT/SURVEYOR: Baughman Company, P.A., 315 Ellis, Wichita, KS 67211

LEGAL DESCRIPTION: A complete legal description is available for public inspection at the Metropolitan Area Planning Department – Tenth Floor, City Hall, 455 N. Main Street, Wichita, Kansas.

PURPOSE OF DEDICATION: This dedication is for a public street right-of-way for Maize Court that was platted as a private street. The street was platted as a 32-foot street with a 15-foot sidewalk and utility easement along both sides that conforms with the narrow local residential street standard.

The Applicant shall meet with City Engineering to discuss this dedication. **City Engineering has reviewed and approved the dedication.**

STAFF RECOMMENDATION: Accept the Dedication.

MOTION: To approve, subject to staff comments and citing the findings in their report.

BISHOP moved, **WELLS** seconded the motion, and it carried (11-0).

❖ **PUBLIC HEARING — ZONING ITEMS**

5. **Case No.: CON2004-06** – Twenty First Growth LLC c/o Tim Buchanan (applicant); MKEC c/o Greg Allison (agent) Request Conditional Use for a neighborhood swimming pool and sport court on property zoned "SF-5" Single-family Residential on property described as;

Beginning at the Southwest most corner of Lot 10, Block 1, of said Addition, said point being coincident with the Northerly line of said Reserve "A"; thence along said Northerly line on a platted bearing of N 85 degrees 40'02" E, 136.34 feet; thence continuing along said Northerly line, S 01 degrees 25'27" E, 83.31 feet; thence continuing along said Northerly line, S 81 degrees 34'54" E, 156.38 feet to the Southeast corner of Lot 7, Block 1, said addition; thence S 01 degree 25'27" E, 50.07 feet to a point on a curve to the left, said curve being the Northerly right-of-way line of Camden Chase Street; thence along said curve and along said Northerly right-of-way line, 264.98 feet, said curve having a central angle of 65 degrees 26'24", a radius of 232.00 feet, and a long chord distance of 250.81 feet, bearing S 49 degrees 23' 40" W to a point on a curve to the right; thence along said curve, also being coincident with the Northerly right-of-way line of said Camden Chase Street, 40.42 feet to the Southwest corner of said addition, said curve have a central angle of 05 degrees 56'19", a radius of 390.00 feet, and a long chord distance of 40.41 feet, bearing S 19 degrees 38'37" W; thence along the West line of said Reserve "A", N 14 degrees 31'30" W, 358.68 feet to the point of beginning. **Generally located North of 21st Street North and east of 127th Street East.**

BACKGROUND: The applicant requests a Conditional Use to permit a neighborhood swimming pool on a 1.02 acre portion of Reserve A, Hawthorne 2nd Addition. The subject property is generally located north of 21st Street North and east of 127th Street East and is more particularly located approximately one-quarter mile east of 127th Street East on the north side of Camden Chase Street. The subject property is zoned "SF-5" Single-Family Residential and is currently undeveloped. A neighborhood swimming pool can be permitted on the subject property as a Conditional Use.

The character of the surrounding area is that of a developing single family residential neighborhood. All of the surrounding properties are zoned "SF-5" Single Family residential and are currently being developed with single family residences and associated open space reserves.

The attached site plan shows a 20-foot by 40-foot swimming pool, 13 parking spaces (including one ADA designated space) located east of the swimming pool, and an 18-foot by 25-foot pool house located north of the pool. As proposed, the parking area meets the Unified Zoning Code requirements except for an encroachment of the southeast corner of the parking area into the front setback. The applicant has submitted a request for an administrative adjustment to permit the proposed encroachment into the front setback, and planning staff will approve the administrative adjustment request if the Conditional Use request is approved.

Section IV-B.3. of the UZC requires that screening in the form of decorative fencing, evergreen vegetation, or landscaped earth berms be provided along the east, west, and north property lines. However, a portion of the east property line and all of the west property line abut an open space reserve, and the applicant has requested an administrative adjustment to waive the screening requirement along these property lines. Planning staff will approve the administrative adjustment request if the Conditional Use request is approved.

The Landscape Ordinance requires a landscaped street yard along Camden Chase Street, a landscape buffer along the east, west, and north property lines, and parking lot screening landscaping. Planning staff recommends that the required landscaping be installed per a landscape plan to be approved by planning staff.

CASE HISTORY: The subject property is platted as part of Reserve A, Hawthorne 2nd Addition, which was recorded September 18, 2003.

ADJACENT ZONING AND LAND USE:

NORTH: "SF-5" Vacant
EAST: "SF-5" Vacant
SOUTH: "SF-5" Vacant
WEST: "SF-5" Vacant

PUBLIC SERVICES: The subject property has access to Camden Chase Street, a two-lane residential street. Water, sewer, and other municipal services will be provided to the subject property.

CONFORMANCE TO PLANS/POLICIES: The Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for "Low Density Residential" development. This residential category provides for the lowest density of urban residential land use and consists of traditional, single-family detached homes, zero lot line units and cluster subdivisions, as well as schools, churches and similar uses found in such areas. One of the objectives of the Plan is to "develop and maintain a system of parkland, open space and recreational facilities which provide a diverse set of recreational opportunities for existing and future residents." The proposed neighborhood swimming pool is consistent with the Land Use Guide and the identified objective of the Comprehensive Plan.

RECOMMENDATION: Based on the information available prior to the public hearing, MAPD staff recommends the application be APPROVED, subject to the following conditions:

1. The site shall be developed in general conformance with the approved site plan.
2. The subject property shall be developed in accordance with the regulations of the Landscape Ordinance per a landscape plan approved by the Planning Director prior to the issuance of a building permit.
3. Screening in accordance with Section IV-B.3. of the Unified Zoning Code shall be provided along the north property lines where abutting Lots 7, 9, & 10, Block 1, Hawthorne 2nd Addition and along the east property line where abutting Lot 7, Block 1, Hawthorne 2nd Addition.
4. Prior to the issuance of a building permit, an administrative adjustment to permit parking within the front setback and to waive the screening requirement along property lines adjacent to an open space reserve shall be acquired.
5. Development and use of the subject property for a neighborhood swimming pool shall be in accordance with all applicable federal, state, and local rules and regulations, including building and construction codes, health codes, and operational standards.
6. If the Zoning Administrator finds that there is a violation of any of the conditions of the Conditional Use, the Zoning Administrator, in addition to enforcing the other remedies set forth in the Unified Zoning Code, may, with the concurrence of the Planning Director, declare that the Conditional Use is null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The character of the surrounding area is that of a developing single family residential neighborhood. All of the surrounding properties are zoned "SF-5" Single Family residential and are currently being developed with single family residences and associated open space reserves. A neighborhood swimming pool is accessory to and customarily associated with the zoning, uses, and character of a low-density residential area.
2. Extent to which removal of the restrictions will detrimentally affect nearby property: Locating a neighborhood swimming pool within a residential development will introduce more traffic and noise for the nearby residential properties. However, the recommended conditions of approval pertaining to screening and landscaping should address these problems. The proposed neighborhood swimming pool most likely will be an amenity to the neighborhood.
3. Conformance of the requested change to the adopted or recognized Comprehensive Plan and Policies: The Land Use Guide of the Comprehensive Plan identifies the subject property as appropriate for "Low Density Residential"

development. This residential category provides for the lowest density of urban residential land use and consists of traditional, single-family detached homes, zero lot line units and cluster subdivisions, as well as schools, churches and similar uses found in such areas. One of the objectives of the Plan is to "develop and maintain a system of parkland, open space and recreational facilities which provide a diverse set of recreational opportunities for existing and future residents." The proposed neighborhood swimming pool is consistent with the Land Use Guide and the identified objective of the Comprehensive Plan.

4. Impact of the proposed development on community facilities: The proposed swimming pool will increase trips to the site, but the impact should be minimal and will not exceed the capacity of the street.

MOTION: To approve, subject to staff comments and citing the findings in their report.

JOHNSON moved, **SUNQUIST** seconded the motion, and it carried (11-0).

6. **Case No.: CON2004-05** – Ferrell & Jackie Pearson Request Sedgwick County Conditional Use to allow a kennel for, boarding and breeding on property zoned "RR" Rural Residential on property described as;

The Northeast Quarter of the Northeast Quarter of Section 29, Township 29 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas. Generally located at the southwest corner of 103rd Street South and Tyler Road

BACKGROUND: The applicant is requesting a Conditional Use to allow kennel facilities for the breeding and boarding of 82 greyhound dogs only, on his unplatted 40-acre tract. The applicant also proposes that the kennel be restricted to his own greyhounds only and that 30 of the proposed 82 total dogs, be greyhound puppies. The Unified Zoning Code, applied to the site's "RR" Rural Residential zoning, requires a Conditional Use for a kennel for training/ boarding/breeding. The property is located on the southwest corner of the 103rd Street South – 87th Street West (Tyler) intersection. The site is located in Sedgwick County, but within the City of Clearwater's Area of Zoning Influence, thus Clearwater's Planning Commission will consider this Conditional Use at their March 2, 2004 meeting. The applicant has provided a site plan.

The proposed kennel building, as shown on the site plan, is a 20-foot (x) 60-foot building with 24, 4-foot (x) 12-foot kennels, stacked two high making the total indoor kennels 48. There is also a kitchen to be used to prepare the dogs meals located in the building. There will be 24, 5-foot (x) 15-foot outdoor runs connected to the kennel building by a 5-foot breezeway. Attached to the kennel building's south side is a 15-foot (x) 60-foot outdoor pen. The site plan shows a 6-foot wooden screening fence, located 25-feet from the kennel/runs on the north and west sides; there is no screening fence shown on the south or the east sides of the kennel/runs. The site also shows three outdoor dog runs located approximately 220-feet south of the kennel, abutting the southeast corner of an existing roping area, that extend to the south end of the applicant's property. Running parallel the length of these dog runs and extending north past them, connecting to the kennel building is a sprint pen. The applicant has stated that the function of the sprint pen is the same as the outdoor runs, the difference being that the additional length of the sprint allows the dogs additional running room. The applicant has agreed to locate these three runs and the sprint pen both 50-foot from the adjoining south property and 600-feet away from the nearest residence, which is on the adjoining south property.

The site plan shows the proposed kennel building located approximately in the middle of the applicant's 40-acre tract. The proposed kennel building sits southeast of the applicant's single-family residence (built late 1980s) and south of an existing 60-foot (x) 60-foot barn and a smaller 30-foot (x) 36-foot accessory building. These two buildings will provide some screening from the kennel for the properties north of the site. East and adjacent to these two accessory buildings are fenced in horse runs and a larger area used for roping. The applicant currently has his own horses on the site. From the accessory buildings and the fenced in live stock areas the property is open field to the east property line.

The applicant has proposed that the dogs be out three times a day; 7AM to 8AM, 11AM to 3PM and 7PM to 8PM, for a total of 6 hours per day. While the dogs are out they will be muzzled. The muzzling of the dogs plus the short time when the dogs are outside should reduce the potential dog noise, barking, from disrupting the neighbors' time at home, while recognizing the applicant's desire to allow the dogs outside, based on his perception of the dog's health needs. The applicant proposes that the puppies will be allowed outside during the same time and will be housed in separate facilities, which are not identified on the site plan

There is 5-foot barb-less horse wire fence on the east side of the property and 4-foot barb-less horse wire fence on the north and west sides of the property. The eastern half of the south side of the property has 4-foot barb-less horse wire fence on it. The neighbor has a hot wire on the western half of the south side of the site. The applicant has a hot wire running through all his perimeter fencing.

The property has a mostly solid mature hedgerow along its south side, thus serving as a landscape buffer for the properties south of the site. Drainage that begins on the north side of 103rd Street South, then goes under this road and flows along the west side of the applicant's property. Groupings of mostly cottonwood, elm, hedge and some cedar trees follow the drainage forming a landscape buffer on the west side of the subject property. The densest tree grouping are in the south half and the north quarter. The north side of the subject property is open to 103rd Street South, with the exception of some trees and bushes around the applicant's house. The east property line is open to 87th Street West, except for two small bunches of hedge trees

The applicant's property and all surrounding properties are zoned "RR" Rural Residential. Development in the area is a mix of largely rural uses, scattered single-family houses and a large tract subdivision like grouping of 27 single-family houses, west of the applicant's property. These houses in the subdivision like grouping were built through the late 1980s to the present. The nearest house in this subdivision like grouping is a little less than a half-mile (2,300-feet) away from the proposed kennel site. Between this subdivision like grouping and the proposed kennel site, west of the subject property, is a house, a vacant field, and two houses; built in 1940 and in the mid 1970s. The closest of the three houses is located approximately 720-feet from the kennel site and the

farthest approximately 1,600-feet away. Hedgerows and groupings of trees are throughout this area west of the subject site, serving as visual barriers between these western properties. A neighboring single-family residence (built late 1950s) lies approximately 800-feet north of the proposed kennel site, across 103rd Street North. Approximately 900-feet east of the kennel site, across 87th Street West is a single-family residence (built late 1900), with another single-family residence east of it (built mid 1970s), located approximately 1,300-feet from the proposed kennel site. South of the proposed site are three manufactured homes and a house built in 1920. The closest of these residences is approximately 1,050 –feet south of the kennel building and it will be 600-feet away from the outdoor runs and sprint pen. The farthest house south of the kennel site is approximately 2,300-feet away. There are a total of at least 39 single-family homes within a mile of the subject site.

CASE HISTORY: The property is a 40-acre unplatted tract. The City of Clearwater's Planning Commission considered this Conditional Use at their March 2, 2004 meeting and voted, 4-0, to approve it with staff's conditions.

ADJACENT ZONING AND LAND USE:

NORTH:	"RR" Rural Residential	Agriculture, Residence,
EAST:	"RR" Rural Residential	Agriculture, Residences
SOUTH:	"RR" Rural Residential	Agriculture, Residences
WEST:	"RR" Rural Residential	Agricultural, Residences

PUBLIC SERVICES: 103rd Street South is a paved two-lane County highway and classified as a 2lane arterial. 87th Street West/Tyler is a section line road and is a paved two-lane County highway north of the intersection and is an unpaved Ohio Township road south of the intersection. There are no traffic counts at this intersection. The *2030 Transportation Plan* does not change the status of these roads. There are no Capital Improvement Projects shown through 2008. There is no sewer at this site; it has a lagoon. The site is not in a Rural Water District; well water serves the site.

CONFORMANCE TO PLANS/POLICIES: The Sedgwick County Development Guide identifies this property as being outside the 2030 Clearwater growth area, but the site is within the Clearwater area of zoning influence. The *Wichita-Sedgwick County Unified Zoning Code* (UZC) lists "Kennel, Boarding/Breeding/Training" as a Conditional Use in the "RR" district. The UZC definition of "Kennel, Boarding/Breeding/Training" is "...premises housing over ten adult dogs." The UZC supplementary conditions for this Conditional Use are attached to this report, and they include a required separation of at least 200 feet from any outdoor kennel facilities to any neighboring residences and 50-foot from adjoining properties. They also require screening of kennel facilities when located within 600 feet of any adjoining property line. The Comprehensive Plan does not specifically address kennels.

RECOMMENDATION: Dog kennels of a 'reasonable size' are appropriate for rural areas of the County and, with certain restrictions, can be compatible with nearby residences and agricultural operations. Reducing the noise from a kennel is a key element in keeping it from becoming a nuisance to the neighborhood, which, in this case, is an established one. Combining the size, 40-acres, of the applicant's property with locating most of the facility in the middle of the property and keeping all of the kennel facilities at least 600-feet from any current and possible future residences, plus screening, landscaping, using acoustic absorption materials on the facility and establishing when the dogs are outside and having them muzzled when they are outside is an attempt to allow both the kennel and the neighborhood to co-exist at this location. Any waiver of the UZC supplementary conditions for this Conditional Use request must be considered by the BOCC for final action. Based on the information available prior to the public hearing, staff recommends the Conditional Use be APPROVED subject to a revised site plan, approved by the Planning Director, demonstrating required distance separation and screening, to be completed within a year and the following conditions.

- (1) The Conditional Use shall comply with section III.D.6.k. of the Wichita-Sedgwick County Unified Zoning Code, and applicable federal, state, and local requirements (e.g. Chapters 5 and 14 of the Sedgwick County Code), including that all of the kennel outdoor facilities will be located a required 200 feet from any neighboring residences and 50-foot from adjoining properties. They also require screening of all kennel facilities when located within 600 feet of any adjoining property line. Solid screening is recommended.
- (2) The property shall be developed and maintained in accordance with a revised site plan approved by the Planning Director, showing screening, lighting, landscaping, parking, setbacks, easements and all buildings in conformance with the UZC. Identify the greyhound puppy kennel on the site plan. If the facility is to be built in phases, indicate the phases and their time frame on the site plan.
- (3) The kennel operator shall have on file proof of rabies vaccinations by a licensed veterinarian and proof of identification and ownership for all greyhounds five months and older.
- (4) Artificial lighting shall be provided in any indoor run for a minimum of 25 feet of candle illumination. Lighting shall be a minimum of 30 inches above the floor and uniformly distributed.
- (5) Cleaning of the boarding kennel facility shall be performed as often as necessary to maintain sanitary conditions, in such a manner as to minimize odors and disease hazard. A "suitable method" of eliminating excess water and dog feces from animal housing facilities shall be provided as determined by Sedgwick County Code Enforcement. The kennel shall be maintained in a sanitary manner as required by applicable codes (e.g. Chapter 14 of the Sedgwick County Code).
- (6) Interior surface materials shall be constructed of non-porous materials that are impervious to moisture. Materials used in the construction of the kennel building shall also be those used by the kennel industry has having acoustic absorption characteristics, such as Soundbreak, Noise Abatement Systems, VET Baffles, dB-Bloc or similar products as approved.
- (7) The indoor kennel facilities shall have fresh air ventilation providing a complete air change at a minimum of five- to six- minute intervals. Exhaust and vents or air conditioning shall be provided when the ambient temperature is 85 degrees or higher. Sufficient quantities of food and water shall be provided to keep the dogs in good physical condition. The animals shall be fed at least once daily and provided clean water at all times. Food and water containers shall be located to minimize contamination and shall be cleaned as often as necessary to maintain sanitary conditions.
- (8) The greyhounds confined in the boarding kennel shall be maintained in good physical condition, free of infectious diseases and parasites.

- (9) The number of adult greyhound dogs and puppies authorized to be boarded shall not exceed 82 at any one time. Only greyhounds are allowed to use the facility and they must be the applicant's greyhounds.
- (10) Greyhounds shall be allowed outside out three times a day; 7AM to 8AM, 11AM to 3PM, and 7PM to 8PM, for a total of 6 hours per day. While the dogs are out they will be muzzled. Puppies will have unrestricted time outside and not be muzzled until they are 9 months old and at such time will be allowed outside as stated in this condition.
- (11) The applicant shall obtain all applicable permits including, but not limited to building, health and zoning. The applicant shall keep his registration with the National Greyhound Association current at all times. Inspection by the Association will be conducted upon completion of the facility.
- (12) The boarding facility shall be open to the unannounced inspection by Sedgwick County of Code Enforcement personnel during reasonable daylight hours to insure continued compliance with the above requirements.
- (13) All greyhounds shall be confined to the kennel and runs, as shown on the site plan.
- (14) Operation of the facility shall not commence until the kennel facility has been developed per the site plan and all required permits, inspections, and registrations have been completed.
- (15) Dedicate an additional 20-feet of half street along 103rd Street South and an additional 35-feet to 103rd Street South at the intersection, per the Sedgwick County Engineer's direction.
- (16) If the Zoning Administrator finds that there is a violation of any of the conditions of this Conditional Use, the Zoning Administrator may, with the concurrence of the Planning Director, declare the Conditional Use null and void.

This recommendation is based on the following findings:

1. The zoning, uses and character of the surrounding area: Properties surrounding the application area are all zoned "RR", and are used for agricultural and large lot residential purposes, giving the area a mix of "rural" and a large tract 'subdivision' character. Mature existing hedgerows separate uses and property throughout the area. Drainage throughout the area typically has groups of trees along their banks, which provides additional buffering between the neighboring properties. 103rd Street South Street South is a paved 2-lane County highway that moves traffic through the Clearwater and south central Sedgwick County area.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "RR" Rural Residential, which permits large lot residential uses and agricultural uses. The site could continue to be used as a residence with livestock and accessory buildings without the Conditional Use.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Potential noise, odors, and traffic generated by the requested Conditional Use could negatively affect nearby residents. Reducing the noise from a kennel is a key element in keeping it from becoming a nuisance to the neighborhood, which, in this case, is an established one. Combining the size, 40-acres, of the applicant's property with locating most of the facility in the middle of the property and keeping all of the facility at least 600-feet from any current and possible future residences, plus screening, landscaping, using acoustic absorption materials on the facility and establishing when the dogs are outside and muzzling the mature dogs when they are outside is an attempt to allow both the kennel and the neighborhood to co-exist at this location. The listed conditions should work to minimize negative effects and allow the use to expire if development and maintenance of the Conditional Use are violated.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The requested Conditional Use, as proposed, is in conformance with the *Wichita-Sedgwick County Unified Zoning Code* supplemental use regulations. The Comprehensive Plan does not specifically address dog kennels.
5. Impact of the proposed development on community facilities: Dedication of additional ROW at the application area is sufficient for future widening, should widening be necessary.

MOTION: To approve, subject to staff comments and citing the findings in their report.

JOHNSON moved, **SUNQUIST** seconded the motion, and it carried (11-0).

7. **Case No.: ZON2004-04** – Jose Marquez (applicant/owner); Robert Kaplan (agent) Request Sedgwick County Zone change from "RR" Rural Residential to "LI" Limited Industrial on property described as;

The South 28 rods of the Northeast Quarter of the Southeast Quarter of Section 15, Township 27 South, Range 1 West of the 6th P.M., Sedgwick County, Kansas, except the South 90 feet thereof and except that part taken in Condemnation Case A-77196. Generally located at the northwest corner of 127th Street and Highway 254.

BACKGROUND: The application area is located at the northwest corner of Highway 254 and 127th Street East. The applicant is seeking "LI" Limited Industrial zoning on 13.3 unplatted acres that are currently zoned "RR" Rural Residential. The site has frontage along the frontage road located on the north side of Kellogg, and along 127th Street. The applicant's agent did not identify an anticipated user.

Surrounding property is zoned "RR" Rural Residential. Properties located to the north, east and south are used for agricultural activities. Property to the west has a residence and an antique shop, and is also farmed.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH: "RR" Rural Residential, agriculture
SOUTH: "RR" Rural Residential, agriculture
EAST: "RR" Rural Residential, agriculture
WEST: "RR" Rural Residential, residence and agriculture

PUBLIC SERVICES: Public sewer is not available. The site appears to be located within Butler County Rural Water District No. 5's service area. Primary access to the site is provided by Highway 254, a regionally and nationally significant divided four-lane expressway that leads to a two-lane gravel frontage road runs along the south property line. 127th Street East, located just east of the site, is also a gravel two-lane road.

CONFORMANCE TO PLANS/POLICIES: The Sedgwick County Development Guide depicts this site as appropriate for "rural" uses. The rural category is intended to accommodate agricultural uses, rural based uses that are no more offensive than normal agricultural uses, and large lot residential subdivisions with provisions for future water and sewer services. Primary industrial location determinants are based upon the characteristics of the individual use, nature of any emissions, the surrounding uses and zoning districts, and the degree of compatibility with adjacent uses.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be DENIED.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Surrounding property is zoned "RR" Rural Residential. Area uses are primarily agricultural with widely scattered home sites, and a few retail uses, trailer sales and antique shop. The dominant character of the area is clearly agricultural. There is one site east of the site that was recently approved for vehicle rental and sales, otherwise all other non-agricultural uses are associated with rural home sites. There is not any industrial zoning located adjacent to the 254 corridor from Kechi eastward to the county line.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "RR" Rural Residential and could be developed as currently zoned. The site is without public sewer services that could limit the suitability of the site for many industrial uses.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: Approval of "LI" zoning would introduce more intensive uses than permitted by surrounding zoning. Without a better idea of the intended uses for the site, and the ability to create appropriate development conditions, "LI" zoning is likely to detrimentally impact nearby properties.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: County officials have indicated a desire to study this corridor in order to develop more specific development guidelines for Highway 254. Denial of a request that is so out of character with existing zoning and uses would preserve that opportunity to evaluate all land use, zoning and traffic safety issues related with this corridor. The site is zoned "RR" Rural Residential, and the site could continued to be used for permitted uses.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The request is not in conformance with adopted plans. The rural category is intended to accommodate agricultural uses, rural based uses that are no more offensive than normal agricultural uses, and large lot residential subdivisions with provisions for future water and sewer services. Primary industrial location determinants are based upon the characteristics of the individual use, nature of any emissions, the surrounding uses and zoning districts, and the degree of compatibility with adjacent uses.
6. Impact of the proposed development on community facilities: Traffic will likely increase over current traffic rates that will increase maintenance requirements. No public sewer services are available causing the site to use on-site facilities such as a lagoon, septic system or alternative on-site system. Rural water district service may be available to the site.

ROBERT KAPLAN, 430 N. Market, Wichita, KS We request a deferral for 30 days, I have an opportunity to talk to staff a little further on that request and with the deferral we will amend that downward we will take that out of the request for Limited Industrial and I believe I can take that to an Office Warehouse or perhaps even and Limited Commercial depends on one or two anticipated uses. We can do a Community Unit Plan and we can bring you a cleaner package.

MOTION: Defer the item for 30 days to MAPC April 8, 2004

DUNLAP moved, **HENTZEN** seconded the motion, and it carried (11-0).

8. **Case No.: ZON2004-05** – Westlake LLC c/o William Farha (owner/applicant); Baughman Company P. A., c/o Russ Ewy and Spangenberg Phillips Architecture c/o Ron Spangenberg (agents) Request Zone change from "GO" General Office and "NR" Neighborhood Retail to "LC" Limited Commercial on property described as;

Lots 20, 22, 24 and 26, on Market Street, Payne's Addition to the City of Wichita in Sedgwick County, Kansas. Generally located South of Maple and west of 119th Street West

BACKGROUND: The applicant requests a zone change from "GO" General Office and "NR" Neighborhood Retail to "LC" Limited Commercial on Lot 2, Block A, Thunderbird Office Park addition. The subject site is not developed and is located approximately 350-feet south of the Maple Street and 119th Street West intersection, on the west side of 119th Street West. The subject site is

approximately 6.2 acres in size with approximately 0.9-acres of it zoned "NR" with the remaining approximate 5.3-acres zoned "GO". The applicant proposes additional uses as permitted in the "LC" zoning district, including restaurants over 2,000-sqaure feet and restaurants with drive up window service or in-vehicle service. The applicant does not propose to amend the current Protective Overlays in effect on the subject site.

The surrounding area is characterized by residential uses on the developing fringe of Wichita with significant amounts of parkland in the area. Three corners of the Maple Street and 119th Street West intersection are zoned "SF-5" Single-Family Residential and are developed with single-family residences; this intersection does not have the typical commercial node on its four corners. The southwest corner, where the subject site is located, has properties zoned "B" Multi-Family Residential, "LC", and the subject site's "NR" and "GO" zoning. The undeveloped property abutting a portion of the subject site's north side is the previously mentioned "LC" zoned property. The "LC" zoned property is located immediately on the southwest corner of the Maple Street and 119th Street West intersection. This "LC" zoned property has a Protective Overlay in effect; amended PO #99. A portion of amended PO #99 is in effect on the subject site's north side; the portion zoned "NR". The original PO #99 is in effect on the rest of the subject site; that portion zoned "GO". The previously mentioned "B" zoned property abuts the rest of the subject site's northwest side. The "B" zoned property is developed as an assisted living facility. The properties east of the site across 119th Street West are zoned "SF-5" Single-Family Residential and are developed with single-family residences and West Millbrook Park. The property south of the site is zoned "SF-5" Single-Family Residential and is The Meadows Park. The property west of the site is zoned "SF-5" Single-Family Residential and is a floodway.

CASE HISTORY: In 1994, a 3.4-acre tract, located north of the subject property and immediately at the southwest corner of Maple and 119th Street West requested (Z-3143) "BB" Office District (now "GO" General Office) zoning along with a request for "B" Multi-Family zoning on a 9.6-acre tract located west of the subject property. On August 11, 1994, the MAPC voted (6-5) to approve the request subject to platting, obtaining necessary wetland permits, and filing a restrictive covenant regarding permitted uses, architectural design, building height, residential density, lighting, and landscaping. On September 13, 1994, the City Council considered the request and referred the matter back to the MAPC. At the rehearing on October 6, 1994, the MAPC voted (9-3) to approve the request subject to the same conditions. On October 31, 1994, the applicant withdrew the request for "BB" Office District zoning on the 3.4-acre tract. The City Council approved "B" Multi-Family zoning on the 9.6-acre tract located west of the subject property on November 1, 1994, subject to the recommended conditions. Written protest petitions representing 22.6% of the land area within 200 feet of the subject property were filed against the request. A petition signed by 643 area residents and numerous letters also were submitted protesting the request. The CPO for District 5 twice voted (5-1 on August 10, 1994 and 5-3 on September 28, 1994) to disapprove the request.

In 2001, 8.5 acres, including the current application area, requested a zone change from existing "SF-5" to "GO" zoning. The MAPC heard the request and voted 10-2 to approve the zone change, subject to a Protective Overlay. District Advisory Board (DAB) V then heard the request and voted 6-3 to recommend denial. Staff received two letters of opposition in that case. City Council approved the zone change request, subject to platting within one year and subject to PO #99 (see attached Ordinance). The site was recorded with the Register of Deeds April 10, 2002 as the Thunderbird Office Park Addition.

On November 21, 2002, the MAPC considered a requested zoning change of "GO" to "NR" and "LC" on 3.2-acres, which included a portion of the subject property, that portion now zoned "NR". The MAPC approved the request, 12-0, subject to an amended PO #99 (see attached Ordinance). DAB V heard the request at their December 2, 2002 meeting and voted, 6-0, to approve the request. The City Council approved the requested zoning change subject to the amended PO #99 at their December 17, 2002 meeting. There were no protests received by staff.

ADJACENT ZONING AND LAND USE:

NORTH:	"LC" Limited Commercial	Undeveloped
	"B" Multi-Family Residential	Assisted living
SOUTH:	"SF-5" Single-Family Residential	The Meadows Park
EAST:	"SF-5" Single-Family Residential	Single-family residences
		West Millbrook Park
WEST:	"SF-5" Single-Family Residential	Assisted living facility

PUBLIC SERVICES: The subject property has frontage along 119th Street West. The nearest major intersection, the Maple Street and 119th Street West intersection, is approximately 350-feet north of the subject site. Both roads are currently paved two-lane arterials, although recent improvements to the intersection have included additional turn lanes and acceleration lanes. The 2030 Transportation Plan projects that section of Maple Street east of the intersection to become a five-lane arterial and the section of Maple Street west of the intersection to become a four-lane arterial. The plan projects 119th Street West to become a four-lane arterial south of the intersection and remain a two-lane arterial north of the intersection. The most recent traffic counts at the intersection has 7,003 average daily trips (ADTs) on the north side of the intersection, 6,416 ADTs on the south side of the intersection, 5,975 ADTs on the west side of the intersection and 6,379 ADTs on the east side of the intersection. The 2030 traffic projection has 15,000 ADTs on the north side of the intersection, 16,000 ADTs on the south side of the intersection, 14,500 ADTs on the west side of the intersection and 14,500 ADTs on the east side of the intersection. These projected ADTs have incorporated the proposed Northwest Highway Loop impact onto this intersection. No improvements are shown on the 2004-2008 Transportation Improvement Program. City water and sewer are available to the site.

CONFORMANCE TO PLANS/POLICIES: The "Wichita Land Use Guide, as amended January 2002, of the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan identifies this area as appropriate for "office". The applicant has applied for "LC" zoning, subject to the current Protective Overlays that limits the range of commercial uses, density of multi-family development, requires architectural compatibility and limits signage. The Commercial Locational Guideline of the Comprehensive Plan recommends that commercial sites should be located adjacent to arterials and should have site design features that limit noise, lighting, and other activity from adversely impacting surrounding residential areas. The subject site does comply with the locational criteria, but not the recommended uses of the Comprehensive Plan.

The Far West Side Commercial Development Policy, adopted by the City Council in 1996, indicates that the scale of commercial development at the intersection of Maple & 119th Street West should be limited to a total of eight acres with no more than four acres of commercial development on any one corner. The proposed "LC" zoning of the subject property coupled with the existing and abutting 2.27-acres of "LC" zoned property, would bring the total "LC" zoning to 8.54-acres on this one side of the intersection; potential commercial development exceeds the recommended totals for the intersection and for this quarter of the intersection. The Far West Side Commercial Development Policy indicates that individual office businesses on the subject property should be limited to 8,000 square feet in size. The Far West Side Commercial Development Policy also recommends that the appearance of commercial development should have certain characteristics in terms of signage, lighting, landscaping, and architectural design. The Protective Overlays currently in effect do bring the subject site into substantial compliance with this policy.

The subject property now is a contiguous area of "LC" zoning over 6-acres in size and under the control of common ownership. A Community Unit Plan would be required if not for the existing Protective Overlays currently in effect. The existing 2.27-acres zoned "LC" abutting the north side of the subject property is under PO #99 and is under the same ownership as the subject property.

RECOMMENDATION: The current Protective Overlays on the subject property prohibit many uses allowed in "LC" zoning, provide development standards that exceed the Unified Zoning Code's minimum standards for "LC" zoning and provide for integrated development. The existing POs as applied to the current zoning, attempt to address the intent of the both the Comprehensive Plan and the Far West Development Policy.

Based upon these factors and the information available prior to the public hearings, planning staff recommends that the request for "LC" zoning be APPROVED, subject to the Far West Side Commercial Development Policy, waiving the 4-acre maximum for commercial development at this corner of the Maple Street and 119th St West intersection and the amended Protective Overlay #99, as follows:

1. The following uses shall not be permitted: restaurants with drive up window service or in-vehicle service, convenience store, group residence, limited and general; cemetery; correctional placement residence, limited and general; group home, limited, general, and commercial; recycling collection station, private and public; reverse vending machine; animal care, limited and commercial; bed & breakfast inn; broadcast/recording studio; car wash; construction sales and service; heliport; hotel/motel; kennel, hobby, and boarding/breeding/training; marine facility, recreational; monument sales; night club in the city; nurseries and garden centers; parking area, commercial; pawn shop; printing and publishing, general; recreation and entertainment, indoor and outdoor; recreational vehicle campground; secondhand store; service station; tavern and drinking establishment; vehicle and equipment sales, outdoor; vehicle repair, limited; vocational school; wireless communication facility; asphalt or concrete plant, limited and general; manufacturing, limited; warehouse, self-service storage; parking area, commercial; mining or quarrying; oil or gas drilling; rock crushing; and solid waste incinerator; storage, outdoor; agricultural research; agricultural sales and service.
2. Multi-family density shall be limited to 17.4 units per acre.
3. Ground signage shall be monument type and shall be limited to 8 feet in height. Ground signage shall be limited to five total signs, spaced a minimum of 150-feet apart.
4. All exterior lighting shall be shielded to prevent light disbursement in a northerly or easterly direction. Light poles shall be limited to 14 feet in height. Backlit canopies and neon or fluorescent lighting on buildings shall not be permitted.
5. Requirements for landscaped street yard and landscaped buffers shall be 1.5 times the minimum requirements of the Landscape Ordinance.
6. The buildings shall be designed with a residential architectural character, with exterior colors and materials compatible with surrounding residential areas. All buildings shall share uniform architectural character, color, texture, and the same predominate exterior building materials. Front and side building facades shall have brick as the predominant exterior building material. Building roofs shall be similar in texture or pattern to the surrounding residential areas and shall be gable or hip in style.
7. All utilities installed underground
8. Trash receptacles shall be appropriately screened, per code, to hide them from ground view.
9. Rooftop mechanical equipment shall be screened from ground level view per the Code of Wichita.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: The surrounding area is characterized by residential uses on the developing fringe of Wichita with significant amounts of parkland in the area. Three corners of the Maple Street and 119th Street West intersection are zoned "SF-5" Single-Family Residential and are developed with single-family residences; this section line road intersection does not have the typical commercial node located on its four corners. The southwest corner of the intersection, where the subject site is located, has properties zoned "B" Multi-Family Residential, developed as an assisted living facility, undeveloped "LC" Limited Commercial property and the undeveloped subject site's "NR" Neighborhood Retail and "GO" General Office zoning.
2. The suitability of the subject property for the uses to which it has been restricted: The site is zoned "NR" and "GO", with Protective Overlays which accommodates local retail and office land uses and development, within the restrictions of the POs. The site is suitable for office and local retail development as it is currently zoned. The Far West Side Commercial Development Policy indicates that office and retail development on the site should be limited in scale.

3. Extent to which removal of the restrictions will detrimentally affect nearby property: Limiting the scale of commercial development to the subject property should minimize detrimental affects. The recommended "LC" zoning with the provisions of the Protective Overlay and the Far West Side Commercial Development Policy will limit uses, business size, building height, signage, lighting; and will require increased landscaping and compatible architectural character. These factors should further limit detrimental affects on this predominately single-family residential neighborhood. In addition, the subject property is separated from adjacent single-family residences by arterial streets. Most of the residences along the arterial streets in the neighborhood are oriented with their back yards facing the arterial streets and thus the subject property.
4. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The "Wichita Land Use Guide, as amended January 2002, of the 1999 Update to the Wichita-Sedgwick County Comprehensive Plan identifies this area as appropriate for "office". The Far West Side Commercial Development Policy indicates that the scale of commercial development at the intersection of Maple & 119th Street West should be limited to a total of eight acres with no more than four acres of commercial development on any one corner. The Far West Side Commercial Development Policy indicates that individual office businesses on the subject property should be limited to 8,000 square feet in size. The Far West Side Commercial Development Policy also recommends that the appearance of commercial development should have certain characteristics in terms of signage, lighting, landscaping, and architectural design. The Office Locational Guidelines of the Comprehensive Plan recommend that office uses be located adjacent to arterial streets and incorporated within or adjacent to commercial development. The application does not entirely conform to the Far West Side Commercial Development Policy or the Comprehensive Plan. The proposed PO does bring the subject site's uses and development into general conformance with these plans and policies.
5. Impact of the proposed development on community facilities: Community facilities are adequate to address the additional traffic generated by the development with the recent widening of the intersection of Maple & 119th Street West.

BILL LONGNECKER, Planning staff The additions to Protective Overlay #99 are: restaurants with drive up window service or in-vehicle service shall not be permitted. We also have added conditions #7, #8 and #9, everything else is the same as originally requested.

PHIL MEYER We are in agreement to staff comments. There is some confusion among the neighbors as to the type of uses in the rezoned areas. We have a restaurant over 2,000-square feet in size that is interested in the site that is being rezoned to "LC," and we also have a photo studio that is interested in the "LC" site. There will be no drive through windows in the restaurants.

BISHOP There was no District Advisory consideration on this case, is that because it is an amendment to the Protective Overlay?

MEYER We did meet with the neighbors to the north of Maple, which always been the concern, but we have not met with the neighborhood to the east of the site.

MILLER We had discussions with the Neighborhood Assistant, and was advised it was not necessary for the DAB to hear this case.

DAVID FRANZ, 340 S. 119th West, Wichita, KS 67235 We are immediately across from the what would be the entrance. I notice on this plan here that building size, location, number may vary as the site is developed. We are concerned about drive-thru restaurants. There are children that play in the park across the street. People cannot get in and out of Taft as it is. The traffic on 119th Street now is constantly increasing and it is hard for people to get in and out on the street.

RON SPANGENBERG, Spangenberg Phillips Architecture There a couple of things I would like to point out. We have retained the existing circulation through the office park and through the commercial center. We still have the retail center on the corner here which is similar to what we had before, but the difference here is because of the bank and the zoning line goes roughly through here, and there is a little part of the proposed bank location that would be in the office zoning, and this is the main reason we are requesting the change. The other reason for change is that we are looking at the possibility of a photography studio that might be in one of these two buildings.

DUNLAP The previous Protective Overlay also had architectural design limits in it; are you still satisfied with those?

SPANGENBERG Yes. (shows design)

BISHOP On that design, where are the two outlets to 119th Street. Which one is opposite, if either is opposite of Taft?

SPANGENBERG This was something that was done previously, before we were involved in the project, and this was platted. I think this was a controlled access by the previous plat.

BARFIELD Dale, you talked to the Neighborhood Assistant, and they said it was not necessary to be heard to by the DAB?

MILLER That is correct.

BARFIELD I thought that was a natural policy.

MILLER Whether the case goes to DAB or not is up to staff judgment, and if the Council member feels like staff was in error, then they send a message that they would like to hear it; in this case, we were specifically advised by the Neighborhood Assistant that it was not necessary.

MOTION: To approve, subject to staff comments and citing the findings in their report.

WELLS moved, **DUNLAP** seconded the motion, and it carried (11-0).

9. **Case No.: ZON2004-03** – J. Brian Foster (applicant/owner); Ruggles & Bohm, Chris Bohm (agent) Request Sedgwick County Zone change from “RR” Rural Residential to “SF-20” Single-family Residential on property described as;

The West Half of the South Half of the Northwest Quarter of Section 31, Township 27 South, Range 3 West of the 6th P.M., Sedgwick County, Kansas except the south 16-1/2 feet for road. Generally located at the northeast corner of Mt. Vernon and 311th Street West

BACKGROUND: The applicant is seeking “SF-20” Single-family Residential zoning for 40 acres of land located at the northeast corner of south 311th Street West and west Mount Vernon. The property is currently zoned “RR” Rural Residential, is used for farm ground, and the applicant indicates he is interested in developing one and two acre lot home sites. With the property's current zoning, two-acre home sites could be created, subject to platting without rezoning. Creation of lots less than two acres in size requires a zone change. The agent for the applicant also indicates the site would utilize on-site sewer and water facilities. At the time this report was prepared, a plat had not been filed to indicate a preferred layout.

Surrounding property is all zoned “RR” Rural Residential. The property to the south is developed with a large lot residential subdivision, Meadowlark Hills, containing approximately 35 lots. The land north of the site is used for farm ground. There are homes on the farm ground located to the east, southeast and southwest. There are large lot homes to the west, fronting the west side of 311th Street for a considerable distance north of Mt. Vernon. The City of Garden Plain is located approximately ¼ mile to the east of the application area.

CASE HISTORY: None

ADJACENT ZONING AND LAND USE:

NORTH: “RR” Rural Residential; farm ground
SOUTH: “RR” Rural Residential; large-lot residential
EAST: “RR” Rural Residential; farm ground/farmstead
WEST: “RR” Rural Residential; large-lot residential; farm ground

PUBLIC SERVICES: 311th Street is a paved two-lane road. Mt. Vernon is a two-lane sand and gravel road. No public sewer or water service is available. The closest public sewer and water is presumable located approximately ¼ mile to the east in Garden Plain.

CONFORMANCE TO PLANS/POLICIES: The *Sedgwick County Development Guide* depicts this site as appropriate for “rural” uses. The category is intended to accommodate agricultural uses, rural based uses that are no more offensive than normal agricultural uses, and large lot residential subdivisions with provisions for future water and sewer services. Although the site is located within Garden Plain's zoning area of influence, the site is not covered by Garden Plain's 1972 Comprehensive Plan future land use plan map.

RECOMMENDATION: Based upon information available prior to the public hearings, planning staff recommends that the request be APPROVED, subject to platting within 1-year, and the following conditions:

- A. Review and approval by Sedgwick County Code Enforcement of a report prepared by a licensed hydrogeologist that demonstrates that there is sufficient water supply to serve the proposed subdivision.
- B. If the development has access to Mt. Vernon, the applicant shall guarantee paving in an amount to be determined by County Public Works.

This recommendation is based on the following findings:

1. The zoning, uses and character of the neighborhood: Surrounding properties are zoned “RR” Rural Residential with a mix of agricultural uses and large lot residences. However, the site is located within ¼ mile the City of Garden Plain and is served by a paved road, 311th Street West, giving the area somewhat of a suburban character.
2. The suitability of the subject property for the uses to which it has been restricted: As currently zoned, the site could be developed with two-acre or larger residential lots.
3. Extent to which removal of the restrictions will detrimentally affect nearby property: The property to the south of the application area has been developed with 35 one-acre residential lots. The applicant is asking for the proposed zoning to allow for the development of one-acre lots, so it is difficult to find that approval of the request will detrimentally affect nearby properties. Issues that have been raised in similar cases dealt with: increased traffic that cause faster road deterioration; depletion and/or greater potential of pollution of groundwater supplies; loss of rural character; complaints about agricultural activities and increased drainage.
4. Relative gain to the public health, safety and welfare as compared to the loss in value or the hardship imposed upon the applicant: Approval would provide additional choice to the rural/suburban housing market in the Garden Plain area. Denial would presumably cause a marketing and/or financial hardship on the applicant.
5. Conformance of the requested change to the adopted or recognized Comprehensive Plan and policies: The *Sedgwick County Development Guide* depicts this site as appropriate for “rural” uses. The category is intended to accommodate agricultural uses, rural based uses that are no more offensive than normal agricultural uses, and large lot residential

subdivisions with provisions for future water and sewer services. Although the site is located within Garden Plain's zoning area of influence, the site is not covered by Garden Plain's 1972 Comprehensive Plan future land use plan map.

6. Impact of the proposed development on community facilities: Traffic will increase causing an increased need for road maintenance, and requests for publicly supplied services such as sheriff protection and code enforcement will increase.

DALE MILLER Planning staff presented the staff report, and indicated that the Garden Plain Planning Commission recommended denial based on comments heard by neighbors who indicated that there was a concern about preserving agricultural uses. The other concern was the drainage pattern, and Mt. Vernon being a problem with not that much rainfall and, that there needs to be improvements to the ditch system along Mt. Vernon. They were also concerned that the additional traffic on Mt. Vernon would require more maintenance, and as best I can tell this is a Township Road. Without the rezoning they would be required to do two acre lots, and with the rezoning since they are utilizing on-site services they could get down to one acre or 40,000 square foot lots.

MITCHELL The hedgerow or tree row that you showed on the south side of Mt. Vernon, do you know if that is in the current road right-of-way?

MILLER No, I don't know, it looks to me like they are probably planted along the property line.

MITCHELL If the zoning is approved and if platting of Mt. Vernon comes about, it might be well to take the full right-of-way addition north of that tree row.

HENTZEN You mentioned the county was interested in the paving of Mt. Vernon, do you know what they are saying to a developer? Does he have to pay for the whole thing or does he have to pay for half of it?

MILLER They have required the developer to provide a minimum payment that I believe is equivalent to providing an asphalt mat level surface from the last paved surface to their first driveway. Those two subdivisions before did not had a paved road like this one does, so I would suspect they would want something to go the distance of the addition.

SCHLEGEL A recent example where they did require that was Hilltop Acres, and when it got to the County Commission what they required was that the applicant pay for their share of paving from Hilltop Acres over to the nearest paved arterial, I think along 151st Street.

HENTZEN So the developer had to pay a 100% from 311th clear to the edge?

SCHLEGEL Yes, the developer would have had to pay for the paved road in front of his subdivision.

HENTZEN I thought there was something worked out on it, that you are asking this developer to pay 100% of the road and the people south of it to pay nothing.

SCHLEGEL The only other way to do that would be to set up a beneficial district where you would have to assess those property owners south of the road. I think in the case of Hilltop Acres, the Commissioners were reluctant to put that burden on the adjacent property owners. They worked that compromise with that developer.

HENTZEN If there were no houses or property owners on the south side, and it was just farmland, would we still assess this developer 100% and then a month later somebody comes by and purchases the south property?

SCHLEGEL I think that is what the Commissioners had in mind was that the other property owners that are adjacent, that wouldn't be necessarily be looking to have that road paved, would not have to make that contribution.

MILLER The way that we worded it on this particular case is that if the development has access to Mt. Vernon, the applicant shall guarantee paving in an amount to be determined by County Public Works. The reason that I worded it that way is so that when it goes to County Commission, if they indicate that they are going to expect him, at platting, to do 50% or 100%, then that is whatever it would be, rather than specifying it as part of this zone change and not really knowing what their intention may or not be.

HENTZEN I wonder how deep the wells are going out there. If you had 40 one-acre plots, I wonder how deep the onsite wells are going out there.

MILLER There are at least a couple of neighbors here that maybe they can answer that.

HENTZEN I wonder if the applicant knows where the water wells are for Garden Plain's water system. I think they run right down Harry Street.

BISHOP I wanted to ask you about the recommendation and Condition A, review and approval by Sedgwick County Code Enforcement of a report prepared by a licensed hydrogeologist that demonstrates that there is sufficient water supply to service the proposed subdivision, why would that not precede this request coming to us?

MILLER Up to now, generally that has been considered to be a platting issue, and this language is the language that has been developed to address concerns that were raised once the case got over to the County Commission; on Hilltop Acres and on Redmond Estates, and we used that in this case so that the applicant would know that likely it would be something they would have to show at the time of platting.

BISHOP I understood there was a series of questions that came from the County Commission asking why we didn't consider drainage, traffic impact, prior to approving the zone change rather than waiting.

MILLER We try to anticipate those things that we can get answers for. So far, there is not a requirement in the regulation that they do the bore testing prior to a zone change.

DUNLAP I meet recently with Commissioner Unruh. Yesterday I asked those questions, and what do you want us to do before it gets over to the County Commission meeting, and the indication from him is that they have a new plan that they are working on but they don't want a piece meal approach; they want water, sewer, and roads all in one package so they don't have to send the item back to us. They are just not ready with the plan yet.

SCHLEGEL That is correct. What you are referring to is a subdivision policy that they are trying to work out. They are just not there yet.

DUNLAP I was asking the same questions, why don't we get this information before we consider it before it goes to the County Commission so it don't take up the time of both boards.

MARNELL Dale, the County Commission will have to approve a drainage plan before this can be platted?

MILLER Correct.

MARNELL If this is approved, I assume those lots would go into some type of tax base that would also work into road maintenance in that area?

MILLER I assume that they would be included in the Townships ability to get whatever taxes come off of their lots and used for public purposes.

MARNELL The Garden Plain Planning Commission, Item C, says that it would be for adjacent agricultural activities to continue. It is my understanding that there is a Right to Farm Act in the State of Kansas that goes against that logic that was put in there. I don't understand the negative groundwater supplies statement, if there is not sufficient water there they won't be able to pull it, do you know?

MILLER There were two things. The existing property owners that have their existing wells may or may not have an issue with additional lots and whether there is sufficient quantity there to handle it. The bigger concern was the surface drainage in terms of how that would be handled.

MARNELL Who has the responsibility for granting the permits for water wells?

MILLER I assume the Health Department does, but I don't know that they regulate private individual wells. I know they do commercials.

MITCHELL There is no permitting required for domestic wells which these would be.

TOM RUGGLES, Ruggles and Bohm The applicant is in full agreement with staff comments and conditions. The property is not being proposed to be annexed into the City of Garden Plain. There is no intention there from either side. Secondly, drainage has been discussed here, and the platting process will guarantee that the drainage leaving the site does not exceed the existing peak run off rate. If that water supply is not proven to be adequate, then the plat will not be approved. Similarly, the improvements of Mt. Vernon that is a condition of the recommended approval. This is already zoned residential. There are people in the area that are opposed to this, and looking at the property ownership list there are 52 separate parcels and 37 of those who own and live on parcels less than 40,000 square feet which is what this development would be. There is no requested change in use, but "SF-20" will allow a church or a school otherwise all of the proposed uses are already allowed. Beyond that, the Planning Commission adopted a policy to moves toward platting smaller lots close to cities in their growth area.

DUNLAP Does this fall in the growth area of Garden Plain?

SCHLEGEL No, it does not.

MILLER The Garden Plain Comprehensive Plan is so old it does not cover this area.

JOHN LEIS, 30607 W. 15th St. South, Garden Plain, KS 67050 My family is in the business of raising agriculture products such as wheat, sorghum, and cattle. Over the last 30 plus years I have been farming. I've been involved in several Sedgwick County Soil Conservation projects, such as waterways, terraces, concrete structures and the Conservation Reserve Program. As many of you know, a development project can be very unsightly with debris blowing everywhere and weeds and grass growing out of control. Some of the issues of concern of the property owners are: the number of houses, ample source of drinking water, and waste disposal. But the biggest concern of the property owners was the amount of run off, rainwater that will be forced to the east property line and the grader ditch along Mt. Vernon road. To answer Mr. Hentzen question, I had a water well drilled and we are at 72 feet.

DUNLAP How much water is standing in that pipe at 72 feet.

LEIS I think it is 40 feet.

RUGGLES I think I have addressed what most of the opposition has talked about. I don't think it is fair to characterize all developers as being only interested in lining their own pockets. Obviously they need to make some profit on a development, but that is simply not a fair statement.

MARNELL It looks like the items cited by the Garden Plain Planning Commission are not applicable to this development, and while they may be something somebody expresses, they don't appear to me to have the substance to go beyond it for a reason for us not to approve this.

MOTION: To approve, subject to staff comments and citing the findings in their report.

MARNELL moved, DUNLAP seconded the motion.

BISHOP I intend to oppose the motion because of the Garden Plain Planning Commission recommendation of denial. I feel constrained.

MOTION CARRIED: 7-3. BISHOP, HENTZEN, BARFIELD opposed.

❖ **PUBLIC HEARING — ZONING ITEMS**

10-1. VAC2003-46 – Request to Vacate proposed platted access control.

AGENT/APPLICANT: AM Consulting c/o Tim Austin

LEGAL DESCRIPTION: A portion of the platted access control, located on the Ridge Road frontage of Lot 1, Block 1, University & Ridge Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the east side of Ridge Road between University Avenue (south) and Maple Street (north), 352 South Ridge Road.

REASON FOR REQUEST: Proposed lot split

CURRENT ZONING: Subject property and abutting properties to its north, south and east are zoned "SF-5" Single-family Residential. Property west of site, across Ridge Road, is zoned "LC" Limited Commercial with CUP DP-37 overlay on it.

The applicant is requesting vacation of a portion of the platted access control, located on the Ridge Road frontage of Lot 1, Block 1, University & Ridge Addition. The University & Ridge Addition has complete access control along Ridge Road except for one point of access located within the north 30-feet of Lot 1. Access control on University allows one opening in the western half of Lot 1. The applicant is requesting that the north approximately 30-feet of the plat allow one point of access and that the temporary access be vacated. The applicant is tying this request with VAC03-47 (on today's agenda) and coordinating the access onto the University and Ridge Addition and the King's Maple Street 3rd Addition, which abuts on the north. Between the two abutting site's there were a proposed 2 points of access, the current proposal retains the 2 points of access, but shifts them south.

The Subdivision Committee at their September 25, 2003, meeting deferred this case. The Subdivision Committee at their October 16, 2003, meeting approved this case with conditions that had to be complied with before the MAPC consider their recommendation. One of those conditions included that the University and Ridge Addition be approved by the WCC and then recorded with the Register of Deeds, before the case proceed to the MAPC for recommendation. The University and Ridge Addition was recorded with the Register of Deeds February 4, 2004.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives, and other interested parties, Planning Staff recommends approval of the request to vacate a portion of the platted complete access control, as shown on the University and Ridge Addition, with conditions.

- A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:
1. That due and legal notice has been given by publication as required by law, by publication in the Derby Reporter of notice of this vacation proceeding February 19, 2004 which was at least 20 days prior to this public hearing.
 2. That no private rights will be injured or endangered by the vacation of the above-described portion of platted access control and the public will suffer no loss or inconvenience thereby.
 3. In justice to the petitioner, the prayer of the petition ought to be granted.
- B. Therefore, the vacation of a portion of the platted access control described in the petition should be approved with conditions;
- (1) The Traffic Engineer must approve of the location and design of the proposed access and dedication of access control by separate instrument.
 - (2) Complete the lot split.
 - (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
 - (4) All improvements shall be according to City Standards

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) The University and Ridge Addition must be approved by the WCC, then recorded with the Register of Deeds before the vacation case proceed to the MAPC for consideration.
- (2) The Traffic Engineer must approve of the location and design of the proposed access and dedication of access control by separate instrument.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (4) All improvements shall be according to City Standards

MOTION: To approve, subject to staff comments and citing the findings in their report.

HENTZEN moved, **SUNQUIST** seconded the motion, and it carried (9-0).

10-2. VAC2003-47 – Request to Vacate proposed platted access control.

AGENT/APPLICANT: AM Consulting c/o Tim Austin

LEGAL DESCRIPTION: A portion of the platted access control, located on the Ridge Road frontage of Lot 1, Block 1, King's Maple Street 3rd Addition, Wichita, Sedgwick County, Kansas.

LOCATION: Generally located on the east side of Ridge Road, between University Avenue (south) and Maple Street (north), 326 South Ridge Road.

REASON FOR REQUEST: Proposed lot split.

CURRENT ZONING: Subject property and abutting properties to its north, south and east are zoned "SF-5" Single-family Residential. Property west of site, across Ridge Road, is zoned "LC" Limited Commercial with CUP DP-37 overlay on it.

The applicant is requesting vacation of a portion of the platted access control, located on the Ridge Road frontage of Lot 1, Block 1, King's Maple Street 3rd Addition. A Lot Split will reconfigure the subject site and adjacent sites. The plat currently has complete access control along the Ridge Road frontage for the north 109.25-feet of Lot 1, Block 1, King's Maple Street 3rd Addition, with one opening in the south 30-feet of the lot. The applicant is requesting that this opening/access point be moved to the south to create one 30-foot opening. The applicant is tying this request with VAC03-46 (on today's agenda) and coordinating the access onto the King's Maple Street 3rd Addition and the University and Ridge Addition, which abuts on the south. Between the two abutting site's there were a proposed 2 points of access, the current proposal retains the 2 points of access, but shifts them south.

The Subdivision Committee at their September 25, 2003, meeting deferred this case. The Subdivision Committee at their October 16, 2003, meeting approved this case with conditions that had to be complied with before the MAPC consider their recommendation. One of those conditions included that the King's Maple Street 3rd Addition be approved by the WCC and then recorded with the Register of Deeds, before the case proceed to the MAPC for recommendation. The King's Maple Street 3rd Addition (SUB 01-107) was recorded with the Register of Deeds February 5, 2004.

Based upon information available prior to the public hearings and reserving the right to make recommendations based on subsequent comments from City Public Works, franchised utility representatives and other interested parties, Planning Staff recommends approval to vacate a portion of the platted access control as described in the legal description and the plat with conditions.

A. That after being duly and fully informed as to fully understand the true nature of this petition and the propriety of granting the same, the MAPC makes the following findings:

1. That due and legal notice has been given by publication as required by law, by publication in the Derby Reporter of notice of this vacation proceeding February 19, 2004 which was at least 20 days prior to this public hearing.
2. That no private rights will be injured or endangered by the vacation of the above-described platted access control and the public will suffer no loss or inconvenience thereby.
3. In justice to the petitioner, the prayer of the petition ought to be granted.

B. Therefore, the vacation of the platted access control described in the petition should be approved with conditions;

- (1) The King's Maple Street 3rd Addition must be approved by the WCC, then recorded with the Register of Deeds before the vacation case proceed to the MAPC for consideration.
- (2) The Traffic Engineer must approve of the location and design of the proposed access and dedication of access control by separate instrument.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (4) All improvements shall be according to City Standards

SUBDIVISION COMMITTEE'S RECOMMENDED ACTION:

The Subdivision Committee recommends approval subject to the following conditions:

- (1) The King's Maple Street 3rd Addition must be approved by the WCC, then recorded with the Register of Deeds before the vacation case proceed to the MAPC for consideration.
- (2) The Traffic Engineer must approve of the location and design of the proposed access and dedication of access control by separate instrument.
- (3) Any relocation or reconstruction of utilities made necessary by this vacation shall be the responsibility of the applicant.
- (4) All improvements shall be according to City Standards

MOTION: To approve, subject to staff comments and citing the findings in their report.

HENTZEN moved, **SUNQUIST** seconded the motion, and it carried (9-0).

❖ **PLANNING COMMISSION ITEMS**

11. **Case No.: DR2004-03** - The City of Maize seeks annexation of The Balmoral Briar Addition located west of 119th Street North and north of 29th Street North

The City of Maize is considering the unilateral annexation of eligible properties described as the Balmoral Briar Addition, located west of 119th Street North and north of 29th Street North. The proposed annexation area falls within the City of Wichita 2010 Urban Growth area, as established in the Wichita-Sedgwick County Comprehensive Plan *Preparing for Change*, adopted and updated by the Metropolitan Area Planning Commission and the Board of County Commission in 2002. This area has not been designated as small city growth areas for the City of Maize. The Wichita-Sedgwick County Comprehensive Plan is the plan that has statutory jurisdiction over the annexation area. Staff has determined that the proposed unilateral annexation by the City of Maize is not consistent with the Wichita-Sedgwick County Comprehensive Plan. Staff recommends that the Metropolitan Area Planning Commission find the unilateral annexation proposed by Resolution No. 346-04 of the City of Maize, to be not consistent with the adopted Wichita-Sedgwick County Comprehensive Plan.

DAVE BARBER, Planning staff. After review by staff, it has been concluded that the proposed unilateral annexation by the City of Maize is not consistent with the Wichita-Sedgwick County Comprehensive Plan.

DUNLAP Please explain that last comment, why is it not consistent?

BARBER Because the Maize annexation falls within the City of Wichita 2010 Urban Growth area.

HENTZEN I believe we heard recently that when there is an annexation request that the City doing the annexing is suppose to submit a service plan as to when they are going to provide water, sewer, street, and police protection. Can we always expect to hear that on any annexation case that come before us?

SCHLEGEL We don't get those service plans, and so we don't review those. All we get is a notification of their intent to annex and then that is what we bring to you.

HENTZEN I don't think Maize has any intention to annex, but I am thinking what are we doing looking at with those annexation if we can't ask and expect the service plan to be presented and complied with?

SCHLEGEL They are required to put together a service plan, but they are not required to submit it to the MAPC.

BARBER The service plan is on file at the City of Maize office for review.

SCHLEGEL Then after five year there is a required review by the Board of County Commission of that service plan to make a determination of whether or not they have complied with that service plan.

BARFIELD It states that the City of Maize has not submitted to the MAPD, the service plan that almost sounds like they are expected to do but you are saying they are not.

SCHLEGEL There is no requirement under state law for them to submit that to us.

BARBER It is a statement of fact.

BARFIELD The way it reads here, it leads me to believe that this would be a reason to deny the request because they have not submitted that plan to us.

SCHLEGEL The only reason we are recommending denial is based on the development guide and that this is in the City of Wichita future Urban Growth area and not the City Maize grow th area.

BISHOP I brought that up before because of that language, sometimes we get the service plan but sometimes we don't.

DUNLAP Since this is unilateral, I am having a problem with the Maize boundary.

BARBER The subdivision immediately north was just annexed in last month, thus making this eligible now.

MOTION: The MAPC finds the unilateral annexation proposed by the City of Maize, to be not consistent with the adopted Wichita-Sedgwick County Comprehensive Plan.

MARNELL moved, **MITCHELL** seconded the motion, and it carried (10-0).

12. 2004 Update to the Wichita-Sedgwick County Comprehensive Plan, Population and Employment Control Totals, presentation by Stephen Banks.

Background: On February 19, 2004 Janet Harrah of the Center for Economic Development and Business Research (CEDBR) presented a forecast of population and employment growth for Sedgwick County to the year 2030. It shows Sedgwick County's population is expected to grow to 538,987

The Planning Department feels that this number generally confirms the numbers derived for the 1999 Update of the Comprehensive Plan, as it closes the gap between CEDBR's previous report (showing a projected 2030 population of 526,221) and the numbers used in the 1999 Update. In the 1999 Update, the Planning Department projected a Sedgwick County population of 567,000, and the staff has not seen any evidence to support backing away from this number. The following table compares staff's original projections with 2000 Census data and a reprojection using 2000 Census data along with 2001 and 2002 Census Bureau estimates.

Comparison of MAPD Projections Before and After 2000 Census

	MAPD 1999 Comp Plan	Cesus 2000 based	Percent
	Update Projections	Reprojection	Difference
2000	456,784	452,869	0.86%
2010	494,426	488,517	1.20%
2030	567,033	562,885	0.73%

The Department expects growth to continue much in the same manner it foresaw at that time. Staff believes that using 567,000 is prudent when planning for infrastructure. Because the Transportation Plan has to also include portions of Butler County around Andover and portions of Sumner County around Mulvane, staff is recommending a total population control number of 580,000 for the Metropolitan Planning Area.

With regard to employment, CEDBR's latest report shows a 2030 total civilian labor force of 282,905 for Sedgwick County. This labor force number includes both resident employees and commuters coming into Sedgwick County. Staff analysis reveals that the CEDBR method did not reflect the major demographic changes that will emerge over the next few years. A major factor not included is the increasing participation rate of the 60 to 64 and 65 to 69 age cohorts in the work place due to existing conditions for qualifying for social security benefits. The fact that many baby-boomers will have to wait until age 67 to qualify for full social security benefits does not appear to have been adequately factored into the CEDBR employment numbers.

Additionally, with longer life expectancy accompanied with better health care, many surveys and studies point to more and more people wanting to stay active in the work force well into their seventies. Many of these people will look to self-employment at this stage of their work career, but these workers will still have an impact on our transportation system and other infrastructure. A third factor that staff noted is the disparity in savings by workers and the looming prospect that many individuals will simply not be able to afford retirement. The anomaly of the past fifty years that the majority of people can retire from work will begin to disappear.

In adjusting for these factors and doing a more detailed analysis than was done in 1999, staff has calculated a resident employee count of 328,534. When commuters to Sedgwick County are added in, the total employment in Sedgwick County totals 357,000. This is an increase of 43,000 for Sedgwick County from staff's calculations for the 1999 update.

Again, because the Transportation Plan has to include portions of Butler County around Andover and portions of Sumner County around Mulvane, staff is recommending a total employment control number of 362,000 for the Metropolitan Planning Area.

The following table compares figures from the two CEDBR reports and the 1999 Comprehensive Plan Update along with staff's recommendation for the 2004 Update.

Comparison of Figures

	2030 Population	2030 Employment
CEDBR 1997 Report	526,221	264,156
CEDBR 2004 Report	538,987	282,905

1999 Comp Plan Update	567,000	314,000
2004 Comp Plan Recommendations	580,000	362,000

Recommendation: Adopt staff's recommendation for maintaining the population control total of 580,000 and using the new employment control total of 362,000 for 2030 for the 2004 Update of the Wichita-Sedgwick County Comprehensive Plan.

STEPHEN BANKS, Planning staff presented report.

DUNLAP When you talk about Mulvane and Andover but don't talk about Newton is that because Mulvane and Andover are already urbanized right up against our boarder?

BANKS Yes, because there is quite a leap of open area to get to Newton.

DUNLAP I don't support your numbers. Everyone has a different set of number WSU, The Chamber, and here I am wondering if we can get plugged in somewhere. I am suggesting that maybe staff should get together with these groups and get a good number.

BISHOP Did you see Chris Chronis presentation yesterday to the County Commission? One of the things that he pointed out was that there is a downturn to the Wichita economy primarily because of the aircraft industry. He was suggesting that there maybe a major shift in the economic for our community.

BANKS In looking at development activity since 1995 when I have been doing the Development Trends report. I know that we are diversified and this downturn and the one in the 1990 did not have the kind of impact that the downturns in the 60's, 70's & 80's had.

BISHOP At those times it was coupled with high inflation.

BANKS A lot of people worry about Boeing selling off the Wichita plant and yet I think what happens there is really going to be what kind of vision that is involved with the people that would end up purchasing it.

MITCHELL I was surprised by your numbers of employment projection because I thought I had understood Janet Harrah to indicate that one of the limitations for growth and development in this area was the lack of workforce numbers.

BANKS We have closed the gap on the supply and versus demand. A lot of seniors will have to work.

SUNQUIST I thought there was going to be less skilled labor.

DUNLAP We need to tie this department in with the workforce alliance and REAP has to know what we are doing here.

SCHLEGEL Janet Harrah is familiar with our numbers and we started with her number we simply have done some modification to her numbers.

DUNLAP Your numbers are more accurate and she is looking at overall economy.

BANKS Another comment the Chamber gets our Development Trends Report and we get questions and request all the time from these groups about our numbers the message does get out there.

MOTION: To adopt staff's recommendation for maintaining the population control total of 580,000 and using the new employment control total of 362,000 for 2030 for the 2004 Update of the Wichita-Sedgwick County Comprehensive Plan.

MITCHELL moved, **SUNQUIST** seconded the motion, and it carried (10-0).

13. Other matters/adjournment.

SCHLEGEL Reviewed the proposed redesign of the 10th floor large conference room. On December 16, 2003, the City Council approved a contract with Law/Kingdon, Inc. for a Space Utilization Study of the main "public areas" on the 10th floor. The purpose of this study was to hire a professional designer to redesign, refresh, and bring up-to-date the designated public areas. The intent was to improve furnishings, equipment, and overall customer service on the 10th floor.

One of the public areas included in this study is the large conference room that is utilized for meetings of the MAPC and Subdivision Committee. The attachment includes the redesign of the large conference room that has been proposed by Law/Kingdon.

The following are some of the benefits with the proposed redesign of the large conference room.

- The seating capacity will increase from 61 to 82 citizens that will be able to attend these public hearings.
- The wasted floor space with the current configuration of the conference room will be eliminated.
- The ante-room provides a gathering area where agents, property owners, and citizens can congregate to discuss the cases that have already concluded. This will also be a general waiting room where citizens can casually talk until their cases are ready for MAPC consideration. This should help to improve the overall noise level inside the conference room.
- There is a separate room for the sound equipment.
- The projection screen and podium are in a more advantageous position for citizens attending the public hearings.

- The free-standing walls on the north and west sides will help with sound and lighting and overall improve the professional appearances of this conference room.

Comments were received from the MAPC members expressing concern about the proposed two-row alignment. For communication purposes, they felt it was necessary for the commissioners to be able to see each other.

Joint Land Use Study (JLUS) – McConnell Air Force Base

SCHLEGEL A volunteer from the MAPC is needed to serve on the Policy Committee for JLUS.

MARNELL I will make an appointment. Any MAPC members interested in serving on this committee are to contact him.

The Metropolitan Area Planning Department informally adjourned at 3:43 p.m.

State of Kansas)
Sedgwick County) ss

I, John L. Schlegel, Secretary of the Wichita-Sedgwick County Metropolitan Area Planning Commission, do hereby certify that the foregoing copy of the minutes of the meeting of the Wichita-Sedgwick County Metropolitan Area Planning Commission, held on _____, is a true and correct copy of the minutes officially approved by such Commission.

Given under my hand and official seal this _____ day of _____, 2004.

John L. Schlegel, Secretary
Wichita-Sedgwick County Metropolitan
Area Planning Commission

(SEAL)